

FACE SHEET  
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD 383-16  
840106-2

RECEIVED FOR FILING

JAN 6 10 01 AM '84

OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING  
JUL 03 1984

Office of Administrative Law  
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1. ATTACHED ARE REGULATIONS ADOPTED,  
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

*Linda S. McMahon*  
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED  
In the office of the Secretary of State  
of the State of California

JUL 3 - 1984  
At 4:05 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By *Marjorie Hushberger*  
Deputy Secretary of State

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AGENCY CONTACT PERSON AND POSITION

Dion Webb, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 14-410, 14-430

SECTIONS ADOPTED

SECTIONS REPEALED

14-110, 310, ~~440~~, ~~450~~, 600, 720 and 820

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency  
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational  
Change

☐ Editorial Correction

☐ Authority and Reference  
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☐ No

☒ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,  
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal  
(Attach Approval)

☐ Building Standards Comm.  
(Attach Approval)

☐ Fair Political Practices Comm.  
(Include FPPC Approval Stamp)

☐ Department of Finance  
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

June 3, 1983

b. DATE OF ADOPTION OF REGULATION(S)

January 3, 1984

c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS  
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_

c. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary  
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* 30 days after filing with the Secretary of  
State.)

Repeal Section 14-110.1.

14-110 INTENT

14-110

1. Training programs are an important management resource for assisting county welfare departments in increasing staff competency, administering programs more effectively, and assuring high quality of public services. These regulations strengthen the relationship between training programs and organizational performance by emphasizing the role of planning in training functions, and the necessity of communication between program managers and training personnel. The overall objective of the county training program should be to assist in the achievement of organizational goals and objectives. Maximum flexibility and authority is granted to county welfare departments in designing and implementing training programs to achieve these results.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.

Adopt as Handbook Section 14-110.1 to read:

H A N D B O O K	<div>14-110 INTENT14-110</div> <div>1. Training programs are an important management resource for assisting county welfare departments in increasing staff competency, administering programs more effectively, and assuring high quality of public services. These regulations strengthen the relationship between training programs and organizational performance by emphasizing the role of planning in training functions, and the necessity of communication between program managers and training personnel. The overall objective of the county training program should be to assist in the achievement of organizational goals and objectives. Maximum flexibility and authority is granted to county welfare departments in designing and implementing training programs to achieve these results.</div>	H A N D B O O K
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Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.

Repeal Section 14-310.2 and .3.

14-310. NEEDS ASSESSMENT (Continued)

14-310

2. The county welfare department shall select needs assessment processes which may include but are not limited to the following:
- 21 Direct interview of representative employee samples
  - 22 Questionnaires to all employees designed to cover major training need areas
  - 23 Group meetings structured to reveal group or other training needs
  - 24 Internal studies of persistent departmental problems
  - 25 Analyses of required skills and knowledge of job functions compared with analyses of the skill and knowledge of staff currently holding such jobs
  - 26 Individual or unit employee performance reports
  - 27 Measurements of program or service delivery effectiveness, such as income maintenance quality control data
  - 28 Surveys of recipients or community groups
3. Training needs assessments should be conducted to result in statements of training needs which:
- 31 Reflect the perception of more than one organizational level in the county welfare department (Example: line worker, first line supervisor and staff development office first line supervisor and director)
  - 32 Are related to organizational goals and objectives
  - 33 Are described in terms of expected impact on the organization, the individual or the programs

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.



Adopt as Handbook Section 14-310.2 and .3 to read:

14-310 NEEDS ASSESSMENT (Continued)

14-310

2. The county welfare department shall select needs assessment processes which may include but are not limited to the following:
  - .21 Direct interview of representative employee samples;
  - .22 Questionnaires to all employees designed to cover major training need areas;
  - .23 Group meetings structured to reveal group or other training needs;
  - .24 Internal studies of persistent departmental problems;
  - .25 Analyses of required skills and knowledge of job functions compared with analyses of the skill and knowledge of staff currently holding such jobs;
  - .26 Individual or unit employee performance reports;
  - .27 Measurements of program or service delivery effectiveness, such as income maintenance quality control data;
  - .28 Surveys of recipients or community groups.
- .3 Training needs assessments should be conducted to result in statements of training needs which:
  - .31 Reflect the perception of more than one organizational level in the county welfare department (Example: Line worker, first line supervisor and staff development office first line supervisor and director).
  - .32 Are related to organizational goals and objectives.
  - .33 Are described in terms of expected impact on the organization, the individual or the programs.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.

Amend Section 14-410.1 to read:

14-410 STANDARDS

14-410

- 1 By ~~May~~ August 1st of each year, each county welfare department shall file with the Department of Social Services a social services and income maintenance program training plan which covers the fiscal year beginning with July 1 of that same year, and which adheres to the definitions, guidelines, policies and directions contained in these regulations.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.

Amend Section 14-430.1 to read:

14-430    FORMAT AND FORMS

14-430

- 1 The Department of Social Services shall provide county welfare departments with the training plan format and appropriate plan forms not later than February May 1st of each year.

Authority:    Welfare and Institutions Code Section 10554.

Reference:    Welfare and Institutions Code Section 10553.

Repeal Sections 14-600; 14-610; 14-620; 14-630; 14-640 and 14-650.

14-600 OPTIONAL TRAINING PROGRAMS

14-600

14-610 TRAINING FOR NEW SOCIAL SERVICES WORKERS

14-610

- \*1 Counties' welfare departments are encouraged to provide training in addition to that required in Chapter 14-500, to employees who are newly hired, transferred or promoted to social services positions.
2. Such training should be provided within 90 calendar days from the date of employment or significant change in job duties.
- \*3 Content of such training may include, but is not limited to the following:
  - \*31 County social service and income maintenance programs and procedures.
  - \*32 Social casework process.
  - \*33 Interviewing techniques.
  - \*34 Case recording and case management.
  - \*35 Resource identification and utilization.

14-620 PRE-EMPLOYMENT TRAINING

14-620

County welfare departments may establish income maintenance or social services program training for prospective staff to ensure the discharge of future job duties at the department's standard level of performance.

14-630 CAREER TRAINING

14-630

County welfare departments may offer career training opportunities to their staff.

14-640 TITLE XX PROVIDER AGENCY TRAINING

14-640

County welfare departments may provide training to direct services staff of provider agencies, or to individual providers such as foster care parents, to prepare them for providing services or to increase their present service capabilities.

14-650 PROGRAM VOLUNTEERS TRAINING

14-650

\*1 Social services or income maintenance program volunteers, other than food stamp workers (see 63-282.5), who are attached to and supervised by the county welfare department may be trained by the department in their voluntary assignments.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.

Adopt as Handbook Sections 14-600; 14-610; 14-620; 14-630; 14-640 and 14-650 to read:

H 14-600 OPTIONAL TRAINING PROGRAMS 14-600

A 14-610 TRAINING FOR NEW SOCIAL SERVICES WORKERS 14-610

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D .1 Counties' welfare departments are encouraged to provide training, in addition to that required in Chapter 14-500, to employees who are newly hired, transferred or promoted to social services positions.

B 2. Such training should be provided within 90 calendar days from the date of employment or significant change in job duties.

O .3 Content of such training may include, but is not limited to the following:

O .31 County social service and income maintenance programs and procedures.

K .32 Social casework process.

.33 Interviewing techniques.

.34 Case recording and case management.

.35 Resource identification and utilization.

H 14-620 PRE-EMPLOYMENT TRAINING 14-620

A County welfare departments may establish income maintenance or social services program training for prospective staff to ensure the discharge of future job duties at the department's standard level of performance.

N 14-630 CAREER TRAINING 14-630

D County welfare departments may offer career training opportunities to their staff.

B 14-640  
K TITLE XX PROVIDER AGENCY TRAINING 14-640

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County welfare departments may provide training to direct services staff of provider agencies, or to individual providers such as foster care parents, to prepare them for providing services or to increase their present service capabilities.

14-650 PROGRAM VOLUNTEERS TRAINING

14-650

- .1 Social services or income maintenance program volunteers, other than food stamp workers (see 63-202.5), who are attached to and supervised by the county welfare department may be trained by the department in their voluntary assignments.

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Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.

Repeal Section 14-720.1, .11, .12, .13 and .14.

14-720 RESPONSIBILITY

14-720

- 1 Acceptable methods for meeting this requirement may include but are not limited to the following:
  - 11 A departmental training unit consisting of all trainers and a unit chief
  - 12 Two departmental units, one consisting of all income maintenance trainers, the other of all social service trainers, and each with its own unit chief
  - 13 A training chief responsible for the assignment of program specialists as part-time trainers in program units
  - 14 Program managers responsible for supervision of full-time trainers assigned to program units

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.

Adopt as Handbook Sections 14-720.1, .11, .12, .13 and .14 to read:

14-720 RESPONSIBILITY

14-720

- .1 Acceptable methods for meeting this requirement may include but are not limited to the following:
  - .11 A departmental training unit consisting of all trainers and a unit chief;
  - .12 Two departmental units, one consisting of all income maintenance trainers, the other of all social service trainers, and each with its own unit chief;
  - .13 A training chief responsible for the assignment of program specialists as part-time trainers in program units;
  - .14 Program managers responsible for supervision of full-time trainers assigned to program units.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.

Repeal Section 14-820.1, .11, .12, .13, .14, .15 and .16.

14-820 PROCEDURES

14-820

- 1 Evaluative procedures shall be selected by the county welfare department, and may include but are not limited to the following:
  - 11 Group meetings with past trainees;
  - 12 Immediate and delayed trainee reaction sheets;
  - 13 Short tests or quizzes;
  - 14 Supervisorial questionnaires and discussions;
  - 15 Examination of agency reports and records including quality control reports, Integrated Review and Improvement Studies (IRIS), and individual and unit performance evaluations;
  - 16 Surveys of recipients or community groups.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.

Adopt as Handbook Sections 14-820.1, .11, .12, .13, .14, .15 and .16 to read:

14-820 PROCEDURES

14-820

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- .1 Evaluative procedures shall be selected by the county welfare department, and may include but are not limited to the following:
    - .11 Group meetings with past trainees;
    - .12 Immediate and delayed trainee reaction sheets;
    - .13 Short tests or quizzes;
    - .14 Supervisorial questionnaires and discussions;
    - .15 Examination of agency reports and records including quality control reports, Integrated Review and Improvement Studies (IRIS), and individual and unit performance evaluations.
    - .16 Surveys of recipients or community groups.
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Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10553.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1083-67

840615-1

JUN 15 1984

ENDORSED

JUL 12 1984

Office of Administrative Law  
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1. ATTACHED ARE REGULATIONS ADOPTED,  
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State  
of the State of California

JUL 12 1984

At 4:21 o'clock P.M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

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AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE

5-0313/3-0883

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 10-330.15

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular ☐ Emergency (Attach Finding of Emergency) ☒ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No ☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

March 2, 1984

b. DATE OF ADOPTION OF REGULATION(S)

June 15, 1984

c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_

c. ☐ Effective on \_\_\_\_\_ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on \_\_\_\_\_ (Designate effective date **later than** 30 days after filing with the Secretary of State.)



INSTRUCTIONS FOR STD 400  
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.  
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

#### Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

## CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

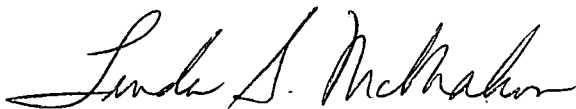
The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on February 17, 1984, and which became effective on February 17, 1984.

Manual of Policy and Procedures, Division 10, Chapter 300\_\_\_\_, Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
10-330.1	10-330.11	10-320.1-.18
10-330.12	10-330.13	10-325.1-.52
10-330.121	10-330.15	10-330 (Introductory paragraph)
10-330.14	10-330.16	10-330.11
10-330.18	10-330.17	10-330.13
10-330.2		10-330.15
		10-330.17
		10-330.3

These regulations were presented at public hearing on April 18, 1984. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
10-330.15		



LINDA S. MCMAHON  
Director

6/15/84  
Date

Repeal Section 10-320 as shown:

10-320 FUNDING AND EXPENDITURES - TITLE IV-B,  
CHILD WELFARE SERVICES

10-320

- 1 County welfare departments are required to use these funds in establishing, extending and strengthening child welfare services as set forth in Section 425 of the Social Security Act.

EA-ANEC monies are not provided as specified in Section 10-330, counties shall expend County expenditures of the Title IV-B allocation shall be used for any of the following:

- 11 Making a protective services worker available to children in need of protection during evenings, nights and weekends to the extent that monies are not provided through EA-ANEC as specified in Section 10-330 as a first priority or through child protective service emergency response funding as specified in Section 10-325.
- 12 To the extent that monies are not provided through EA-ANEC as specified in Section 10-330, training and providing temporary caretakers for in-home care of children in need of protection because of parents' absence or temporary incapacity.
- 13 Providing respite day care as part of a treatment plan on an active child protective service case.
- 14 To the extent that monies are not provided through EA-ANEC as specified in Section 10-330, training and providing personnel to teach parents homemaker and parenting skills in cases where abuse and neglect occurs or where there is clearly identified and recorded potential for neglect or abuse.
- 15 Meeting specialized needs, such as camp, guardianship studies, tutoring and so forth to benefit the social adjustment of an individual child, which are not allowable under Title XX.
- 16 Paying the cost of return for an out-of-state runaway minor who has not been adjudicated under Section 601 or 602, Welfare and Institutions Code.
- 17 To the extent that monies are not provided through EA-ANEC as specified in Section 10-330, to pay the cost of

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emergency shelter care for children in need of protection who cannot remain in their own homes. (See 30-106.22.) Any facility used shall be licensed or exempt from licensure.

- .18 Any funds remaining after a county has met the above needs may be used for other child welfare services provided such other services are approved for funding in advance by SDSS.

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 16502, 16504, 16504.1, and 16506.1; and 42 USC 620 and 625.

Repeal Section 10-325 as shown:

~~10-325 FUNDING AND EXPENDITURES - EMERGENCY RESPONSE  
FOR CHILD PROTECTIVE SERVICES~~

10-325

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- ~~.1 If counties accept 24-hour emergency response system monies, it shall be used to:
    - ~~.11 Provide emergency protective service coverage and response as mandated in Section 30-113.1; and~~
    - ~~.12 Augment existing 24-hour emergency response systems which are in effect at the time these funds are provided.~~~~
  - ~~.2 Counties receiving a state emergency response allocation shall provide a 25% match of funds.~~
  - ~~.3 If counties accept 24-hour emergency response system monies, it shall be spent first on the basic program. Basic 24-hour emergency response CPS services may be funded either in whole or in part by 24-hour monies.
    - ~~.31 If counties accept the full emergency response allocation then counties shall use those funds plus the county match first to provide basic 24-hour emergency response services. Monies formerly spent on basic 24-hour response services which are then supplanted by the emergency response allocation and match shall be used first to complete the basic program requirements, and the remaining monies shall be used for back-up services as specified in Section 10-325.5.~~
    - ~~.32 If counties accept a reduced emergency response allocation, then counties shall maintain at a minimum all basic 24-hour response services as established in Section 30-113.1. Counties may then use a combination of "new" emergency response allocations and county match with "old" or existing emergency response funding to supply basic 24-hour services, provided that the county can clearly demonstrate an increased level of service resulting from receipt of the "new" money.~~~~
  - ~~.4 When a county accepts the full or partial allocation of state funds for 24-hour emergency response and that allocation plus county match is in excess of what is needed for the basic response system, the remaining allocated funds plus county match shall be used for back-up services as specified in Section 10-325.5.~~
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- 5 Monies required to be used for 24-hour emergency response back-up services shall be applied as allowed by Section 30-100 (CASP Mandated Program No. 2) or by Section 10-320.11 in the order specified in .511 through .515 below. Any deviation from this order shall be approved in advance by SOSS.
- 51 Emergency response back-up services shall be limited to the following:
  - 511 Emergency caretakers, teaching and demonstrating homemakers, and respite care;
  - 512 Follow-up treatment services;
  - 513 Emergency shelter care;
  - 514 Multi-disciplinary teams;
  - 515 Primary child abuse and neglect prevention services, which shall be provided only after the above needs have been met and only with prior SOSS approval.
- 52 With the exception of the primary child abuse and neglect prevention services specified in .515 above, emergency response back-up services shall be limited to services which are deemed necessary and which are initiated within 5 working days of the emergency child protective services response as defined in Section 30-102.4 and described in Section 30-113.12. Once an emergency response back-up service unless prompted by another emergency child protective services response situation.

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 16500, 16504, and 16504.1.



Amend Section 10-330.15 as shown:

10-330 FUNDING AND EXPENDITURES--EMERGENCY ASSISTANCE- 10-330  
ABUSED, NEGLECTED OR EXPLOITED CHILDREN (EA-ANEC)

- .1 County welfare departments shall use Title IV-A EA-ANEC funds when providing the following services to children and families meeting the EA-ANEC eligibility criteria specified in Chapter 45-400:
  - .11 Counseling, as defined in Section 30-002(z)(1).
  - .12 Emergency shelter care, as defined in Section 30-002(z)(3).
    - .121 Funding for this service shall be subject to the requirements specified in Sections 30-158.2 through .32.
  - .13 Out-of-home respite care, as defined in Section 30-002(z)(6).
  - .14 Parenting training, as defined in Section 30-002(z)(7).
  - .15 Temporary in-home caretaker, as defined in Section 30-002(z)(10). Funding for this service shall be subject to the requirements specified in Section 30-152.
  - .16 Transportation, as defined in Section 30-002(z)(11).
  - .17 Information and referral, as defined in Sections 30-051.1 through .13.
  - .18 Case management activities which ensure the accurate assessment of the child's and family's needs, and the provision of necessary services.
- .2 When services for a child/family are funded under EA-ANEC, service provision for that child/family shall be limited to one period of up to 30 days during any 12-month period.

Authority: welfare and Institutions Code Sections 10553, 10554, and 16501.

Reference: welfare and Institutions Code Sections 16500, 16504, and 16504.1.

FACE SHEET  
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #184-3  
(Resubmission)

840711-4

RECEIVED FOR FILING

JUL 11 2 52 PM '84

ADMINISTRATIVE LAW  
ENDORSED

APPROVED FOR FILING

JUL 19 1984

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,  
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

*Janet S. Lombard*

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED  
In the office of the Secretary of State  
of the State of California

JUL 19 1984

At 4:05 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Margie Hershberger*  
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Janet Lombard, Regulations Analyst

TELEPHONE

323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 11-401.323 and 11-401.343

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency  
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational  
Change

☐ Editorial Correction

☐ Authority and Reference  
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing June 1, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☐ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,  
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal  
(Attach Approval)

☐ Building Standards Comm.  
(Attach Approval)

☐ Fair Political Practices Comm.  
(Include FPPC Approval Stamp)

☐ Department of Finance  
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

March 9, 1984

b. DATE OF ADOPTION OF REGULATION(S)

July 10, 1984

c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

May 11-25, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS  
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_

c. ☒ Effective on filing (Designate effective date **earlier than** 30 days after filing with the Secretary  
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on \_\_\_\_\_ (Designate effective date **later than** 30 days after filing with the Secretary of  
State.)

INSTRUCTIONS FOR STD 400  
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Adopt new Section 11-400.2(o) and renumber current (o) to (p):

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

.2 Definitions (Continued)

(o) Specialized Care System - any mechanism utilized by a county to pay family homes, as defined in Section 11-400.2, a rate greater than the county's basic foster care rate on behalf of an AFDC-FC child placed in emergency shelter care or with care needs greater than those of a normal foster child, because of health and/or behavior problems.

tot(p)

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 11461(d).

Amend Section 11-401.21 to read:

11-401 FAMILY HOME RATES (Continued)

11-401

.2 Family Home Specialized Care Rates Determination

.21 Counties shall determine the specialized care rate for fiscal year 1983/84 in accordance with .211 and .213 below and Welfare and Institutions Code Section 11461(d):

.211 Counties shall separately identify their basic rate and specialized care increment which comprise the specialized care rate using the county's basic rate schedule in effect as of July 1, 1982.

(a) Any county that currently does not separately identify the basic rate and specialized care increment from the specialized care rate shall subtract the July 1, 1982 basic rate from the specialized care rate. The remainder shall be the county's July 1, 1982 specialized care increment.

.212 Welfare and Institutions Code Section 11461(d) states in part:

(a) Beginning July 1, 1982 increases to the county's specialized care increment for any given fiscal year shall not exceed the percentage cost-of-living increase granted in accordance with Welfare and Institutions Code Section 11453 for that year.

HANDBOOK

.213 The 1983/84 specialized care rate shall be the sum of the 1983/84 basic rate as determined in .14 above plus the 1983/84 specialized care increment as determined in .211 above and Welfare and Institutions Code Section 11461(d).

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 11461(d).

Repeal Section 11-401.22:

11-401 FAMILY HOME RATES (Continued)

11-401

2 Family Home Specialized Care Rates (Continued)

22 Any county that prior to July 1, 1982 provided amounts for specialized care in addition to the county basic rate shall be permitted to continue to provide such amounts using existing criteria under the conditions specified in Welfare and Institutions Code Section 11461(d).

221 Welfare and Institutions Code Section 11461(d) provides generally:

(a) A child receiving payment at the basic rate only as of July 1, 1982 shall not receive a specialized care increment unless:

(1) he or she is reclassified as needing specialized care in a home other than the one in which the child is residing; or

(2) the agency with placement and care responsibility documents that movement of the child from the current placement would cause the child physical or emotional harm and that the child's foster parent(s) have the skills necessary to meet the increased needs of the child.

(b) A child receiving a specialized care increment in addition to the basic rate as of July 1, 1982 shall continue to receive specialized care at that level, except under the following conditions:

(1) The needs of the child are determined to justify the reduction or elimination of the specialized care increment; or

(2) The needs of the child are determined to justify an increase in the specialized care increment and:

HANDBOOK

HANDBOOK



- (A) the child is placed in a home other than the one in which the child is residing; or
- (B) the agency with placement and care responsibility documents that movement of the child from the current placement would cause the child physical or emotional harm and that the child's foster parent(s) have the skills necessary to meet the increased needs of the child.
- (c) A child entering the foster care system after July 1, 1982 who requires specialized care, shall receive a rate based on the specialized care system in existence in the county as of July 1, 1982.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 11461(d).

Adopt new Section 11-401.3 to read:

11-401 FAMILY HOME RATES (Continued)

11-401

.3 Family Home Specialized Care Rate System

.31 Beginning July 1, 1984, counties with existing specialized care systems shall:

.311 be permitted to retain such systems; and

.312 provide the Department with a description of their family home specialized care payment practices as required by Section 11-406.151.

.32 Modification or Adoption of a System

.321 Beginning July 1, 1984 and subject to departmental approval, counties shall be permitted to modify an existing system or adopt a new system if the county demonstrates that General Fund costs for AFDC-FC payments will not increase as a result of the new or modified system.

.322 Modification means any change which affects:

(a) the population to be served;

(b) the type of eligible facilities utilized;

(c) the amount paid; or

(d) the method of determining the amount paid.

.323 Any county wishing to modify or adopt a specialized care system shall submit a proposal to the Department which describes the county's current specialized care system, if applicable, and the county's proposed system.

(a) The proposal shall include the following:

(1) characteristics and number of the current specialized care population and the proposed population, including types of behavior and/or health problems for which a specialized care rate is currently paid and/or for which a specialized

care rate would be paid under the proposed system;

(2) types and number of facilities presently caring for this population, and types and number of facilities the county is proposing to use;

(3) cost of the current specialized care population and estimated cost of care for the proposed system;

(4) projected caseload shifts from:

(A) number of children in family homes receiving the basic rate to number of children in family homes receiving a specialized care rate; and

(B) number of children in group homes to number of children transferred from group homes to family homes receiving specialized care rates.

(5) the effect of the county's proposed system on children already receiving a specialized care rate for their placements;

(6) the county's process for approval of the specialized care rate for individual children under the current and the proposed systems;

(7) proposed implementation plan and date; and

(8) a comparison of net state General Fund expenditures for AFDC-FC payments before and after the proposed modification or adoption of the system.

### .33 Conditional Review and Approval

.331 Upon receipt of a county proposal for modification or adoption of its system, the Department shall review the following:

- (a) the proposal submitted by the county;
- (b) comparable data on the Foster Care Information System (FCIS); and
- (c) any other information which will assist the Department to evaluate the county's proposal.

.332 After review of all pertinent information, the Department shall notify the county in writing that its plan has either been granted conditional approval or rejected.

- (a) If the plan is rejected, the Department shall notify the county in writing of the reasons for rejection.

.34 Final Review and Approval

.341 Within one year from the implementation date of a county proposal, the Department shall review the available data for that county as follows:

- (a) change in number and percent of children placed in family homes and group homes;
- (b) change in number and percent of children receiving specialized care;
- (c) change in the ratio between group home and family home population and cost, exclusive of the specialized care population and cost;
- (d) change in overall cost of family home and group home care, adjusted for cost-of-living increases granted by the Legislature for relevant fiscal year(s);
- (e) change in overall cost of specialized care;
- (f) change in proportion of children receiving specialized care in relation to total AFDC-FC population;
- (g) any other information requested by the Department which will assist the Department to determine whether the county's specialized care system is meeting its fiscal objectives.

.342 If the county's system has not increased General Fund expenditures for AFDC-FC payments, the Department shall grant final approval.

(a) This approval shall remain in effect until such time as the Department determines that General Fund expenditures for AFDC-FC payments have increased as a result of implementation of the new or modified system.

.343 If, as a result of implementation of the new or modified system, the Department determines that General Fund expenditures for AFDC-FC payments have increased, the Department shall rescind approval and notify the county in writing that the county shall have 60 days to revert to the family home payment practices which were in effect in the county when the county requested approval of the new or modified system as specified in Section 11-401.32.

(a) The written notice shall contain a statement of the reason(s) for rescission of the approval.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 11461(d).

Renumber Section 11-401.3 to Section 11-401.4 and amend to read;  
and renumber Section 11-401.4 to Section 11-401.5:

11-401 FAMILY HOME RATES (Continued)

11-401

3.4 Out of County Placements

31.41 When a child is placed in a family home located in a different county than the county with payment responsibility, the county with payment responsibility shall:

311 Pay the basic rate of the host county.

312 If the child meets the conditions of 22 above, pay the specialized care increment of the payment county.

42 When a child is receiving a specialized care rate in accordance with 2 above and is placed in a family home located in a different county than the county with payment responsibility, the county with payment responsibility shall:

421 pay the host county specialized care rate; or

422 pay its own specialized care rate if the host county has no specialized care system.

4.5 Expiration Date

51 Welfare and Institutions Code Section 11461(e) provides that Welfare and Institutions Code Section 11461 shall remain in effect only until December 31, 1985 and as of that date is repealed unless a later enacted statute chaptered prior to that date extends or deletes that date.

HANDBOOK

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 11460 and 11461(d).

Amend Section 11-406.15 to read:

11-406 RESPONSIBILITIES OF COUNTY WELFARE DEPARTMENTS 11-406

(Continued)

.1 (Continued)

- .15 Submitting to the Department verification of all rates in effect from July 1, 1982 through June 30, 1983 for family homes, homefinding agencies, and group home providers.

.151 In addition, at the Department's request, submitting to the Department a description of family home specialized care payment practices, including rates paid to small family homes and emergency foster family homes.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 11461(d).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #983-58  
Resubmission

84-0730-1

FILED

In the office of the Secretary of State  
of the State of California

AUG 3 - 1984

At 4:19 o'clock P. M.

MARCH FONG EU, Secretary of State

By Cathleen Saluck  
Deputy Secretary of State

RECEIVED FOR FILING

JUL 30 12 57 PM '84

ADMINISTRATIVE LAW  
ENDORSED

APPROVED FOR FILING

AUG 3 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,  
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations

TELEPHONE

323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 MPP Section 44-340.13

SECTIONS ADOPTED

MPP Sections 50-010.1 through .5 inclusive

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency  
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational  
Change

☒ Editorial Correction

☒ Authority and Reference  
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing June 1, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,  
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal  
(Attach Approval)

☐ Building Standards Comm.  
(Attach Approval)

☐ Fair Political Practices Comm.  
(Include FPPC Approval Stamp)

☒ Department of Finance  
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

45 Day Notice: 12/2/83 15 Day  
Renotices: 5/11/84 & 7/13/84

b. DATE OF ADOPTION OF REGULATION(S)

July 30, 1984

c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

May 11, 1984-May 25, 1984 inclusive  
July 13, 1984-July 27, 1984 inclusive

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS  
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_

c. ☐ Effective on \_\_\_\_\_ (Designate effective date **earlier than** 30 days after filing with the Secretary  
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☒ Effective on September 1, 1984 (Designate effective date **later than** 30 days after filing with the Secretary of  
State.)



INSTRUCTIONS FOR STD 400  
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.  
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1) Amend MPP Section 44-340.13 to read:

44-340 UNDERPAYMENTS (Continued)

44-340

.1 General (Continued)

- .13 Any underpayment shall be promptly corrected if the affected assistance unit is currently eligible, or would have been currently eligible if the error had not occurred. No underpayments to other former recipients shall be paid except when necessary to comply with state hearing decisions, or state regulations implementing court decisions ordering retroactive payments.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11004 and 45 CFR Section 233.20(a)(13).

(2) Adopt MPP Section 50-010 to read:

50-010 GREEN v. OBLEDO

50-010

.1 Preface

On March 5, 1981, the California Supreme Court issued an opinion in the case of Green v. Obledo. That opinion declared former EAS Section 44-113.241 (which was repealed effective November 10, 1981) in violation of the federal law then in effect because the state regulations failed to allow actual work-related expenses.

On May 5, 1981, the Sacramento County Superior Court issued a judgment invalidating EAS Section 44-113.241 to the extent this regulation disallowed both actual expenses of using a private automobile as transportation to and from work and other expenses reasonably attributable to employment. On December 29, 1981, this court ordered retroactive benefits for recipients or former recipients who were disallowed such actual work-related expenses under EAS Section 44-113.241.

The time period for retroactive benefits under the Superior Court order is from January 1, 1974 through November 9, 1981. Because of retrospective budgeting procedures, claims for retroactive payments may include expenses and/or income reported in any month between November 1973 through September 1981 (inclusive) except for cases which were new or restored cases in October and/or November 1981. For these cases, the costs paid and income received will be for the months that were used as a basis for the original grant computation.

In addition to requiring retroactive payments to eligible individuals, the Superior Court ordered also that prejudgment interest be paid on retroactive payments at the legal rate applicable to the aid month.

The following provisions describe the procedure by which retroactive aid will be claimed and eligibility for benefits determined.

.2 Informing potentially eligible persons of the availability of retroactive payments.

.21 In order to notify the class of potentially eligible persons, the Department shall:

•211 Enclose a notice informing recipients of the Green v. Obledo decision with each September, 1984 Medi-Cal card.

•212 Send the notice in •211 above to the Prepaid Health Plan members in September, 1984.

•213 Place paid advertisements in newspapers with the same general message as the notice described in •211 above. These advertisements should appear during September, 1984.

•214 For a period of eight weeks at weekly intervals issue general media press releases beginning in September, 1984 with the same general message as described in •211 above.

•215 Issue posters in English and Spanish informing the general public of the Green v. Obledo decision. Supplies of posters will be made available to offices of the Employment Development Department and County Welfare Departments (CWDs).

•22 The county welfare department (CWD) shall forward a supply of posters to their Family Support Divisions and to county general hospitals and request that such notices be posted in a conspicuous location from the day they are received until February 1, 1985.

•221 English and Spanish posters informing the general public of the Green v. Obledo decision shall be posted in the CWD from the date they are issued until February 1, 1985.

### 3 Application for Retroactive Payment and Claims Processing

#### 31 Claimant Responsibility

•311 Claimants shall contact the county welfare department or the State Department of Social Services to obtain claim forms. (Green v. Obledo Work-Related Costs, TEMP 1583 and 1583A).

•312 A separate claim form shall be completed and sent to each county in which the claimant received or was denied aid and from which he/she wishes to claim retroactive benefits.

•313 Claims shall be submitted to the county from which the claimant received aid in the aid month(s). It shall be the claimant's responsibility to ensure

the claim form is mailed to the appropriate county.

(a) The claim month (budget month) refers to the month in which work-related costs were incurred or paid (see Section 50-010.521)

(b) The aid month (payment month) refers to the second consecutive month after the claim month except as provided in (1) below:

(1) For cases in which prospective budgeting was used during the aid month, the claim month and aid month are the same.

.314 Claim forms shall be submitted to the proper county (see .313 above) by February 1, 1985 for former recipients and by January 1, 1985 for current recipients. Claims submitted after this final filing date shall be denied except as provided in .326 below.

(a) Unless the evidence indicates otherwise, the date submitted shall be determined as follows:

(1) If the claim is mailed to the county welfare department, the postmark date of the envelope;

(2) If the claim is delivered by hand to the county welfare department, the date of delivery;

(3) If the date cannot be determined by the methods described above, two days before the claim was stamped "received" by the county welfare department.

(4) If the date cannot be determined by (a), (b), or (c), the date the claim was signed.

.315 The claimant shall cooperate in obtaining all information necessary to process the claim.

.32 County Responsibility

- .321 The county shall provide and/or mail the appropriate claim forms to the claimant, upon request.
- .322 The county shall stamp each claim with the date the claim was submitted by the claimant (see .314 above) and the county to which it was submitted.
- .323 If a county receives a claim form for a month in which it neither paid nor denied aid to the claimant:
- (a) The county shall forward the form to the appropriate county, if known, or;
  - (b) If the appropriate county is not known, the county shall return the form to the claimant with a Notice of Action (NOA) explaining the reason why the claim cannot be processed.
- .324 Claims submitted on or before the dates listed in .314 above shall be held pending receipt of county requested information for a period no longer than thirty days after the request for additional information is made. At the end of the thirty-day period, the county shall, based on the information available, determine eligibility and make retroactive payment or deny the claim in accordance with .327, .4, and .5 below.
- .325 Claims submitted after the dates listed in .314 above shall be denied except as provided in .326 below.
- .326 Claims submitted after the final filing date which have been date stamped by another county in accordance with .322 above shall be deemed submitted on the earliest date stamped on the claim provided that the following conditions are met:
- (a) the earliest date stamp appearing on the claim form must be prior to the final filing date, and,
  - (b) the claim must have been resubmitted by the claimant within 15 days after the date of the most recent notice of action specified in .323(b) above.

.327 The county shall determine eligibility and issue retroactive payment to eligible individuals or deny the claim, as appropriate, within sixty calendar days of receipt of the claim form(s) for retroactive benefits. Within this same sixty-day period, the county shall issue a NOA to applicants for retroactive benefits indicating the disposition of their claims, the computation of retroactive payments, and their right to request a state hearing.

.328 The county shall submit to State Department of Social Services (SDSS) two statistical reports. The first report shall be submitted on or before March 1, 1985 and the second report shall be submitted not later than May 1, 1985. These reports shall specify the number of claims filed, the number of claims allowed or disallowed, the total monies paid in retroactive benefits and in interest, the number of case reconstructions required in accordance with Section 50-010.51, and the methods by which claimants were informed of the availability of retroactive payment(s).

.4 Determination of Potential Eligibility for Retroactive Payment(s)

.41 Individuals potentially eligible to receive retroactive payments are persons who had earnings and received AFDC or were denied AFDC due to excess income for any period from January 1, 1974 through November 9, 1981. This includes those persons who had an overpayment computed for any period from January 1, 1974 through November 9, 1981.

.42 Verification of receipt or denial of AFDC shall not be required for those individuals whose case records are not available. However, in these instances, the claimant shall support his/her statement as to receipt or denial of AFDC by detailed statements that fully respond to questions contained on the claim form.

.421 Verification of receipt of AFDC includes the following:

(a) Proof of receipt of AFDC for persons claiming retroactive benefits shall be obtained from the case record if it is available.

(b) If the aid case record is unavailable, sources of verification which the claimant may provide include, but are not limited to:

- (1) The claimant's Medi-Cal card for the aid month showing the AFDC case number.
- (2) A signed statement from a physician or pharmacist who provided services to the claimant during the aid month attesting that the costs of those services were billed to Medi-Cal and under which AFDC case number they were billed.
- (3) A copy of a Notice of Intended Action or a state hearing decision indicating the claimant was an AFDC recipient during the aid month.
- (4) Copies of any other official documents indicating the claimant's welfare status during the aid month.

.422 Verification of denial of AFDC or of an overpayment includes but is not limited to the NOA sent the claimant.

.423 In the absence of verification of receipt or denial of AFDC or overpayment recoupment, the claimant's sworn statement shall be accepted, if supported by statements made on the claim form. The county is not precluded from making further inquiries where it determines this is necessary.

.43 If the assistance unit received the Maximum Aid Payment (MAP) in the aid month individuals in that assistance unit are ineligible for retroactive benefits.



Adopt MPP Handbook Section 50-010.431 to read:

.431 MAP levels from January 1, 1974 through November 9, 1981.

		TIME PERIOD									
		1/01/74	7/01/74	7/01/75	7/01/76	1/01/77	7/01/77	7/01/79	7/01/80	1/01/81	7/01/81
		to	to	to	to	to	to	to	to	to	to
		6/30/74	6/30/75	6/30/76	12/31/76	6/30/77	6/30/79	6/30/80	12/31/80	6/30/81	11/09/81
AFDC MAXIMUM AID PAYMENT (MAP) LEVELS											
	1 Person .....	120	129	144	157	166	175	201	232	227	248
F	2 Persons .....	197	212	237	258	273	287	331	382	374	408
A											
M	3 Persons .....	243	262	293	319	338	356	410	473	463	506
I											
L	4 Persons .....	290	311	349	379	402	423	487	563	550	601
Y											
	5 Persons .....	331	355	399	433	459	483	556	642	628	686
	6 Persons .....	372	400	448	487	516	543	625	722	706	771
S	7 Persons .....	408	438	491	534	566	596	686	792	775	846
I											
Z	8 Persons .....	444	477	535	581	616	649	747	862	844	922
E											
	9 Persons .....	480	516	578	628	666	701	807	932	912	996
	10 Persons .....	516	554	622	675	716	754	868	1,002	981	1,071

.44 If the assistance unit's net earnings which were used to compute the grant in the aid month were reduced to zero after the application of all earned income deductions, individuals in that assistance unit are ineligible for retroactive benefits.

.5 Determination of the Amount of Retroactive Payment(s)

.51 The county shall determine or reconstruct essential case information for the aid month based on information from the claim month. If the case record is available this information may be taken from it. If the case record is unavailable, this data shall be reconstructed through use of facts supplied by the claimant on the claim form. The following shall be determined or reconstructed for each claim:

.511 Family Budget Unit (FBU) composition, MAP for the FBU, and grant amount paid in the aid month or the overpayment assessed for the aid month.

(a) In reconstructing the grant or overpayment, earnings and mandatory deductions shall be verified through wage stubs, employer contacts, or other methods unless good

reason exists for the inability of the claimant to obtain verification. The county may make any third party contacts it determines to be necessary; a consent form shall be used for this purpose in accordance with EAS Section 40-157.22.

(1) If good reason exists, as determined by the county, the claimant's sworn statement of wages received and deductions withheld shall be accepted.

(A) Good reason includes, but is not limited to:

(i) Destruction of the employer's records.

(ii) Permanent closure of employer's business.

(iii) Refusal or inability of the employer to supply verification.

(2) If verification is not obtained and good reason does not exist, the claim shall be denied. An example of the absence of good reason is the claimant's assertion that he/she does not remember where he/she was employed.

.512 The amount of work-related transportation expense allowed in the aid month and the number of miles driven to and from work in the claim month.

(a) Persons who are self-employed may claim only mileage to and from the work site.

(b) In reconstructing the grant, the county shall multiply the number of work miles driven in the claim month by the cents/mile rate applicable in the claim month to determine the amount of transportation costs originally allowed for the claim month.

For example:

(1) If the claimant drove his/her own car, the following rates applied:  
January 1, 1974 - December 31, 1976:  
\$ .12/mile  
January 1, 1977 - November 9, 1981:  
\$ .15/mile

(2) If the claimant rode with another person(s), the following rates applied:  
January 1, 1974 - December 31, 1976:  
\$ .06/mile  
January 1, 1977 - November 9, 1981:  
\$ .07/mile

.513 The amount and type of other work-related expenses allowed in the aid month.

.52 Determination of allowable work-related costs.

.521 Costs shall be allowed only if paid and shall be allowed either on an "as paid" or "as incurred" basis, whichever is consistent with the method used by the county during the retroactive period for allowance of work-related costs.

.522 Types of allowable costs include, but are not limited to:

(a) Transportation costs:

- (1) amounts for gas, tires, oil
- (2) car payments (principal and interest)
- (3) car insurance, license, and registration fees
- (4) mechanical repairs
- (5) repairs or replacement, if directly related to safety (e.g., windshield replacement)
- (6) actual costs for riding with another person(s)

(b) Other work-related costs not supplied or reimbursed by the employer, including but not limited to tools, uniforms, and special equipment necessary for employment.

.523 All expenses shall be verified to the extent possible, except for the cost of oil and reasonable amounts paid for gasoline.

(a) The amount claimed for gasoline shall be considered reasonable if, in the claim month, it does not exceed the following limits:

During calendar year: The equivalent of:

1974	\$ .57/gal.
1975	.61/gal.
1976	.64/gal.
1977	.67/gal.
1978	.69/gal.
1979	1.10/gal.
1980	1.31/gal.
1981	1.46/gal.

Source: U.S. Department of Energy Tables

(b) No gasoline costs exceeding the amounts in (a) above shall be allowed without proof of the cost paid as provided in .524(a) and (b).

.524 The county may make any third party contacts it determines to be necessary to substantiate information contained on the claim form(s); a consent form shall be used for this purpose in accordance with EAS Section 40-157.22.

(a) Verification includes, but is not limited to:

- (1) Cancelled checks, money order receipts
- (2) Receipts
- (3) Photocopies of statements
- (4) Signed statement from a vendor attesting to type of expense, amount and date of payment, and purchaser's name.

(b) If proof is not provided, the claimant shall be required to explain what attempts were made to obtain such proof and why it

is unavailable. The county shall then determine if there is good reason for lack of verification.

(1) If good reason exists, as determined by the county, the claimant's sworn statement as to costs incurred or paid (see Section 50-010.521) shall be accepted.

(A) Good reason includes, but is not limited to:

(i) Destruction of the vendor's records.

(ii) Permanent closure of the vendor's business.

(iii) Refusal or inability of the vendor to supply verification.

(2) If acceptable verification has not been provided and good reason does not exist, the costs for such items shall not be allowed. An example of the absence of good reason is the claimant's assertion that he/she does not remember to whom the bill was paid and the city in which the vendor's company operated.

#### .53 Computation of the Retroactive Payment

.531 The amount of retroactive payment shall be computed on a month-by-month basis.

.532 For each vehicle, compute the net allowable work-related transportation costs as follows:

(a) Determine the allowable transportation expenses (see Section 50-010.52).

(b) Determine the percentage of the claimant's work-related miles to total miles driven (as shown on the application for retroactive benefit).

(1) If the claimant indicates on the claim form that the work-related

mileage driven during the claim month was unusually low, the county shall examine the reason(s) for the unusual mileage.

(A) If the work-related mileage dropped due to the unavailability of the claimant's car (e.g., car in the shop for a few days, car stolen) then the usual mileage listed in the claim form shall be used.

(B) If the decrease in work-related mileage is due to other factors such as vacation taken during the claim month, a change in the location of the job site or the obtaining of a different job, the actual work-related mileage driven as listed in the claim form shall be used.

(c) Apply the percentage in (b) above to the total allowable transportation costs in (a) above.

(d) Subtract any contribution made by others for work-related transportation and any amounts reimbursed by the employer. The difference between the remainder and the amount originally allowed for transportation costs (see .512 above) shall be the net allowable transportation cost.

.533 Determine other net allowable work-related costs in the following manner:

(a) Determine the total allowable other work-related costs (see .521(b) above).

(b) Subtract any contribution or reimbursement made by the employer.

(c) Subtract any amounts already allowed (see .513 above).

.534 The total net allowable work-related costs shall be the sum of .532 and .533 above.

.535 The retroactive payment shall be:

- (a) For cases which were denied AFDC due to excess net income, the retroactive payment shall be the grant amount to which the individual would have been entitled had actual work-related costs been used.
- (b) For cases in which the AFDC grants were computed based on 44-113.241, the retroactive payment shall be the original net earnings used to compute the FBU's grant in the aid month or the total net allowable work-related cost as determined in .534 above, whichever is less.
- (c) For cases in which there are earnings and for which an overpayment due to income or need is being recalculated:
  - (1) Where use of actual work-related costs results in a lesser overpayment, the retroactive payment shall be the difference between the original overpayment amount and the overpayment amount determined using actual work-related costs.
  - (2) Where use of actual work-related costs irradiates the original overpayment, the retroactive payment shall be the difference between the grant that should have been paid (using actual work-related costs) and the original amount paid plus the amount of the originally assessed overpayment.
- (d) For cases in which an overpayment which occurred during the retroactive period is being newly computed.
  - (1) Where use of actual work-related costs results in an overpayment, no retroactive payment shall be made and no interest shall be computed.
  - (2) Where use of actual work-related costs creates an underpayment, the retroactive payment shall be the difference between the grant that

should have been paid (using actual work-related costs) and the original grant amount.

.54 Computation of Interest on Retroactive Payment

.541 Interest shall be computed on the amount of the retroactive payment on a month-by-month basis in the following manner:

(a) Interest for each retroactive payment the claimant should receive is computed from the date the payment should have been paid originally. The interest rate shall be seven percent annually through 12/31/81 and ten percent annually from 1/1/82 thereafter.

(b) The interest shall be computed up to the date that the retroactive payment is made. Partial month computations shall be made on the basis of a 360-day year.

(c) Example:

Claim Month: 6/76  
Aid Month: 8/1/76  
Retroactive Payment  
Amount: \$100.00  
Retroactive Payment  
Authorization Date: 09/10/84

Computation of the interest on the retroactive payment is as follows:

8/1/76 - 7/31/81 =  
5 years : 7% x \$100 x 5 years = \$35.00

8/1/81 - 12/31/81 =  
5 months: 7% x \$100 x 5/12 = 2.92

1/01/82 - 12/31/83 =  
2 years : 10% x \$100 x 2 years = 20.00

1/01/84 - 8/31/84 =  
8 months: 10% x \$100 x 8/12 = 6.67

9/01/84 - 9/10/84 =  
10 days : 10% x \$100 x 10/360 = .28

Interest on 8/1/76  
retroactive payment \$64.87



.55 Delivery of the Retroactive Payment and Interest

- .551 The interest in .541 above, shall be added to the retroactive payment in .535 above, to determine the total payment due the claimant.
- .552 The retroactive payment in .534 above, plus the interest in .541 above, shall be used to offset any collectable outstanding overpayment (see EAS 44-351.3). Any amount in excess of the overpayment shall be paid to the claimant.
- .553 Although the amount of retroactive payment and interest must be computed on a monthly basis, the county may consolidate payments covering more than one month as long as the time requirements in Section 50-010.327 are met.
- .554 The retroactive payment including interest received by a recipient shall not be considered income or property in the month of receipt or in the following month (see EAS 42-213.2(h)).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11009, California Code of Civil Procedure Section 685.010, and Sacramento Superior Court No. 257585, December 29, 1981, and Green v. Obledo (1981) 29 Cal 3rd 126.

# FACE SHEET

(OAL-4)

(See Instructions on Reverse)

## FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0684-26

840731-1

RECEIVED  
JUL 31 10 02 AM 1984  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING  
AUG 10 1984  
Office of Administrative Law

### 1. ATTACHED ARE REGULATIONS ADOPTED, AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

*Linda S. McPherson*

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 10 1984

At 4:29 o'clock P. M.

MARCH FONG EU, Secretary of State

By

*Marjorie Hershaeger*

Deputy Secretary of State

LEAVE BLANK

LEAVE BLANK

### AGENCY CONTACT PERSON AND POSITION

Janet Lombard

### TELEPHONE

323-1899

### 2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED  
19-004.1, .3, .5, .6, .7, .8; 40-131.3d

SECTIONS ADOPTED

19-004.4

SECTIONS REPEALED

### 3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency  
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational  
Change

☐ Editorial Correction

☐ Authority and Reference  
Citation Change

### 4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing \_\_\_\_\_

### 5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

### 6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal  
(Attach Approval)

☐ Building Standards Comm.  
(Attach Approval)

☐ Fair Political Practices Comm.  
(Include FPPC Approval Stamp)

☒ Department of Finance  
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

N/A

b. DATE OF ADOPTION OF REGULATION(S)

July 27, 1984

c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

### 8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

### 9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_

c. ☒ Effective on filing (Designate effective date **earlier than** 30 days after filing with the Secretary  
of State pursuant to Government Code Section 11346.2(d).)  
Government Code Section 11346.1(d)

☐ Request Attached

d. ☐ Effective on \_\_\_\_\_ (Designate effective date **later than** 30 days after filing with the Secretary of  
State.)

INSTRUCTIONS FOR STD 400  
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.  
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Sections 19-004.1 and .3 to read:

19-004 RELEASE OF CONFIDENTIAL INFORMATION

19-004

.1 General Rule

- .11 Confidential information may be released without the consent of the applicant/recipient, only for purposes directly connected with the administration of public social services except as specified in Section 19-004.4. Public social services are defined as aid or services administered or supervised by SDSS or the State Department of Health Services.

19-004 RELEASE OF CONFIDENTIAL INFORMATION (Continued) 19-004

.3 Public Officials

- .31 Certain public officials, and their duly appointed agents, and deputies, are entitled to examine confidential information. The right of public officials, including law enforcement personnel, to examine public assistance records does not exist if the request is for a purpose not connected with the administration of the public social service programs. Examples of situations under which information may not be given out include but are not limited to such things as traffic violations, tax fraud investigation, or criminal investigations not related to welfare except pursuant to Section 19-004.4 Both the release and possession of confidential information in violation of these regulations is a misdemeanor. The officials who are entitled to examine confidential information include but are not limited to:

.311 District Attorney or County Counsel

- (a) In the administration of aid, it is necessary to disclose information to these offices when they are conducting investigations, prosecutions, criminal or civil proceedings directly connected to public social services including child support services and the location of families in which the caretaker has abducted or kidnapped the aided child(ren).

.312 State Department of Social Services, State Department of Health Services, the Department of Health, Education, and Welfare (HEW), and county welfare departments within the State of California.

(a) These agencies, their representatives and employees shall have access to public social services records as needed in the administration of public social services.

.313 County Auditor

(a) In addition to the authority to examine claims and other financial transactions in the routine line of duty, the auditor may examine records as necessary to satisfy himself/herself that fiscal accountability is being maintained and that progress relating to payment, claiming and repayment of aid are proper and effective.

.314 Audits

(a) Federal, State and County auditors having direct or delegated authority are authorized to examine records as necessary to perform fiscal audits and/or procedure reviews. Legislative bodies and their committees authorized by law to conduct audits or similar activities in connection with the administration of public social services shall be permitted to examine records.

(b) Such committees include, but are not limited to, the California Joint Legislative Audit Committee, the California Auditor General and their staff, and the United States General Accounting Office.

.315 Legislatures and their Committees

(a) Refer to Section 19-002 for the prohibition against release of confidential information to legislatures without applicant/recipient consent. Any releases made to legislatures or their committees should be accompanied by the warning that Welfare and Institutions Code Section 10850 makes the use or release of the information for a

purpose not directly connected with the  
administration of public social services a  
misdemeanor.

Authority: Welfare and Institutions Code Sections 10553 and  
10850.

Reference: Welfare and Institutions Code Sections 10850,  
10850.3, and 10850.7, and 42 USC Section 1306a.

Adopt new Section 19-004.4 and renumber current Sections 19-004.4 through .7 to read:

19-004 RELEASE OF CONFIDENTIAL INFORMATION (Continued) 19-004

.4 Exception to General Rule - Law Enforcement Officials

.41 Pursuant to the procedures and restrictions in Welfare and Institutions Code Sections 10850.3 and 10850.7, law enforcement officials may be given otherwise confidential information when:

.411 The applicant/recipient is deceased, Welfare and Institutions Code Section 10850.7.

(a) Welfare and Institutions Code Section 10850.7 provides:

Notwithstanding the provisions of Section 10850, an authorized employee of a county welfare department may disclose confidential information concerning a public social services applicant or recipient to any law enforcement agency where the applicant or recipient is deceased. Information that may be released pursuant to this section shall be limited to the name, address, telephone number, birthdate, social security number, and physical description of the applicant for, or recipient of, public social services. A county welfare department may release the information specified by this section to any law enforcement agency only upon a written request from the head of the agency specifying that the applicant or recipient is deceased and that the agency is otherwise unable to adequately identify the deceased. The information specified may alternatively be released by telephone, whereupon the head of the law enforcement agency shall submit the request in writing within five days of the release.

This section shall not be construed to authorize the release of a general list identifying individuals applying for or receiving public social services.

HANDBOOK

HANDBOOK

The provisions of this section shall be operative only to the extent permitted by federal law. The section shall not apply to, but shall exclude the Medi-Cal program established pursuant to Chapter 7 (commencing with Section 14000) and following.

- 4.12 A felony arrest warrant has been issued for the applicant/recipient. Welfare and Institutions Code Section 10850.3.

Welfare and Institutions Code Section 10850.3(b) provides in part:

A county welfare department may release the information specified by this section to any law enforcement agency only upon a written request from the agency specifying that a warrant of arrest for the commission of a felony has been issued as to the applicant or recipient. This request may be made only by the head of the law enforcement agency, or by an employee of the agency so authorized and identified by name and title by the head of the agency in writing to the county welfare department.

(a) Information releasable pursuant to a felony arrest warrant shall be further limited to data contained within disbursement records for AFDC, Special Circumstances, and social service cases other than Child Welfare Service records.

(1) No data shall be released from the case record.

(2) No data shall be released from SSI/SSP records except for Special Circumstances.

(3) This section shall not be construed to limit releases pursuant to Penal Code Section 11166.

(b) Medi-Cal, Food Stamp and Adoption records, including AAP, are not within the scope of this Division.

- 4.5 Release of Confidential Information in Conjunction With a Lawsuit (Continued).



#5.6 Release to Schools (Continued).

#6.7 Disclosure to Parents Who Wish to be Reunited with Their  
Family (Continued).

#7.8 Release to Research Organizations (Continued).

Authority: welfare and Institutions Code Sections 10553 and  
10850.

Reference: Welfare and Institutions Code Sections 10850,  
10850.3 and 10850.7, and 42 USC Section 1306a.

Amend Section 40-131.3d to read:

40-131 INTERVIEW REQUIREMENTS (Continued)

40-131

.3 Content of Application Interview (Continued)

- d. The confidential nature of all information given except as provided by law. See Section 19-004.4.

Authority: Welfare and Institutions Code Section 10553 and 10850.

Reference: Welfare and Institutions Code Sections 10850, 10850.3, and 10850.7, and 42 USC Section 1306a.

FACE SHEET  
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD# 1083-61

840720-1

RECEIVED FOR FILING

JUL 20 1984

ENDORSED  
OFFICE OF ADMINISTRATIVE LAW  
APPROVED FOR FILING

AUG 9 1984

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,  
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State  
of the State of California

AUG 9 - 1984

At 4:21 o'clock P.M.

MARCH FONG EU, Secretary of State

By: Mayorie Hershberger  
Deputy Secretary of State  
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Roy Howard

TELEPHONE

445-1422

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 30-366.6 and .7, Manual of Policies and Procedures

SECTIONS ADOPTED

30-366.6 Manual of Policies and Procedures

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency  
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational  
Change

☐ Editorial Correction

☐ Authority and Reference  
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing 5/21/84

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☐ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,  
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal  
(Attach Approval)

☐ Building Standards Comm.  
(Attach Approval)

☐ Fair Political Practices Comm.  
(Include FPPC Approval Stamp)

☐ Department of Finance  
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

December 16, 1983

b. DATE OF ADOPTION OF REGULATION(S)

July 18, 1984

c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

None required

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS  
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_

c. ☐ Effective on \_\_\_\_\_ (Designate effective date **earlier than** 30 days after filing with the Secretary  
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on \_\_\_\_\_ (Designate effective date **later than** 30 days after filing with the Secretary of  
State.)

INSTRUCTIONS FOR STD 400  
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Adopt new Section 30-366.6 and renumber existing .6 and .7 to be .7 and .8.

30-366 ADDITIONAL REQUIREMENTS FOR OUT-OF-STATE  
PLACEMENTS (Continued)

30-366

.6 Visits

- .61 A visit is not a placement (see Civil Code Section 265, Article 2(d)) within the meaning of the Interstate Compact on the Placement of Children. Visits and placements shall be distinguished on the basis of purpose, duration and the intention of the person or agency with responsibility for planning for the children as to the child's place of abode.
- .62 The purpose of a visit shall be to provide the child with a social or cultural experience of short duration, such as a stay in camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
- .63 A visit for 24 hours or longer shall involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services shall not, of itself, alter the character of the stay as a visit.
- .64 If the child's stay is intended to be for no longer than 30 days and if the purpose is as described in .62, it will be presumed that the circumstances constitute a visit rather than a placement.
- .65 A stay or proposed stay of longer than 30 days shall be considered a placement or proposed placement.
- .66 A visit shall not be extended or renewed beyond 30 days.
- .67 If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
- .68 If a request for a home study or agency supervision is made by the person or agency which sends or proposes to send a child on a visit, such request shall conclusively establish that the intent of the stay or proposed stay is a placement and not a visit.

\*6.7 Required forms include the following:

\*61.71 Interstate Compact Application Request to Place Child,  
Form ICPC 100-A.

\*62.72 Interstate Compact Report on Placement Status of Child,  
Form ICPC 100-B.

\*7.8 Suggested outline summaries include the following:

\*71.81 Summary Regarding the Child, Form ICPC 101.

\*72.82 Summary Regarding the Prospective Foster Family, ICPC  
102.

Authority: Welfare and Institutions Code Section 10554.

Reference: Civil Code Section 265.

FACE SHEET  
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

840724-1

RECEIVED JUL 24 10 02 AM '84

ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING

AUG 9 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,  
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

*Rosalee P. Clark*

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State  
of the State of California

AUG 9 - 1984

At 4:21 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Mayorie Herberger*  
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Merry Benard, Regulations Analyst

TELEPHONE

5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED  
30-144.2, 30-442.5

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency  
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational  
Change

☒ Editorial Correction

☐ Authority and Reference  
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing \_\_\_\_\_

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,  
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal  
(Attach Approval)

☐ Building Standards Comm.  
(Attach Approval)

☐ Fair Political Practices Comm.  
(Include FPPC Approval Stamp)

☐ Department of Finance  
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

April 29, 1983

b. DATE OF ADOPTION OF REGULATION(S)

July 20, 1984

c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS  
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_

c. ☐ Effective on \_\_\_\_\_ (Designate effective date **earlier than** 30 days after filing with the Secretary  
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on \_\_\_\_\_ (Designate effective date **later than** 30 days after filing with the Secretary of  
State.)

INSTRUCTIONS FOR STD 400  
(OAL-4)

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Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.  
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

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- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
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- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)



Amend Section 30-144.2 to read:

30-144 SERVICE PLAN (Continued)

30-144

- .2 The service plan shall include the information specified in Section 30-198.1421.

Amend Section 30-442.5 to read:

30-442 PLACEMENT CASE MANAGEMENT (Continued)

30-442

- .5 For children 16 years of age ~~of~~ or older, the social worker shall also provide assistance in achieving self-maintenance by planning for living arrangements, further education, vocational training, or employment.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 10 1984

At 4:30 o'clock P.M.

MARCH FONG EU, Secretary of State

By Margaret Hershberger  
Deputy Secretary of State


ORDER OF REPEAL

GOVERNMENT CODE SECTION 11349.6(b)

The adoption of section 11-004.4, and the amendments to sections 11-004.3, .5, .6, .7 and .8, and section 40-131.3d of the Department of Social Services Manual of Policies and Procedures, which were adopted by the Department of Social Services as emergency regulations on July 27, 1984, and filed with the Secretary of State on August 10, 1984, are hereby repealed pursuant to Government Code section 11349.6(b).

The Department of Social Services has not provided specific facts to show that the regulations are necessary for the immediate preservation of the public peace, health and safety, or general welfare. Further, section 40-131.3d of the regulations does not meet the clarity standard of Government Code section 11349.1(a)(3).

DATED: August 10, 1984

  
LINDA STOCKDALE BREWER  
Director

ENDORSED  
APPROVED FOR

AUG 10 1984

Office of Administrative Services

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 13 1984  
At 4:05 o'clock P M.  
MARCH FONG EU, Secretary of State  
By Maureen Kershberg  
Deputy Secretary of State


ORDER OF REPEAL

GOVERNMENT CODE SECTION 11349.6(b)

The amendments to sections 44-313.41 and 44-313.42 of the Manual of Policies and Procedures, which were adopted by the Department of Social Services as emergency regulations on July 27, 1984, and filed with the Secretary of State on August 13, 1984, are hereby repealed pursuant to Government Code section 11349.6(b).

The Department of Social Services has not provided specific facts to show that the regulations are necessary for the immediate preservation of the public peace, health and safety or general welfare.

DATE: August 13, 1984

  
LINDA STOCKDALE BREWER  
Director

ENDORSED  
APPROVED FOR FILING  
AUG 13 1984  
Office of Administrative Law

CALIFORNIA INSURED UNEMPLOYMENT RATE

1. Cal-ED benefits may not be paid in California for the week beginning August 12, 1984 (week ending August 18, 1984) because there was not a Cal-ED "ON" indicator for the week beginning July 22, 1984 (week ending July 28, 1984).
2. A Cal-ED extended benefit period may begin in California on the first day of the third week after the first week for which there is a State "ON" indicator. A State "ON" indicator occurs in California if the Employment Development Department determines that:
  - A. The Cal-ED indicator has been "OFF" for at least 13 weeks since the last Cal-ED period ended, and
  - B. The California insured unemployment rate is at least 6.0 percent.
3. As of August 11, 1984, 56 weeks will have elapsed since the ending of the last Cal-ED benefit period.
4. The insured unemployment rate (IUR) for the week ending July 28, 1984 is only 3.16 percent. Data used to compute this IUR are as follows:
  - A. Average number of weeks of unemployment claimed in California per week for the 13 weeks ending July 28, 1984 was 314,003. These data are based on UI and UI/Joint certifications processed through noon August 3, 1984 and have been adjusted for Internet and WSUI activity per DOL instructions.
  - B. Average mid-monthly non-federal covered employment is computed on the basis of employment reported by employers for the first four of the last six calendar quarters before the week ending July 28, 1984, as provided in Section 3503 of the Unemployment Insurance Code.

January	-	March	1983
April	-	June	1983
July	-	September	1983
October	-	December	1983.....9,926,558

**FILED**  
In the office of the Secretary of State  
of the State of California  
AUG 14 1984  
MARCH FONG EU, Secretary of State  
By Marjorie Hershberger  
Deputy

CALIFORNIA INSURED UNEMPLOYMENT RATE

1. Cal-ED benefits may not be paid in California for the week beginning August 5, 1984, (week ending August 11, 1984), because there was not a Cal-ED "ON" indicator for the week beginning July 15, 1984, (week ending July 21, 1984).
2. A Cal-ED extended benefit period may begin in California on the first day of the third week after the first week for which there is a State "ON" indicator. A State "ON" indicator occurs in California if the Employment Development Department determines that:
  - A. The Cal-ED indicator has been "OFF" for at least 13 weeks since the last Cal-ED period ended, and
  - B. The California insured unemployment rate is at least 6.0 percent.
3. As of August 4, 1984, 55 weeks will have elapsed since the ending of the last Cal-ED benefit period.
4. The insured unemployment rate (IUR) for the week ending July 21, 1984, is only 3.17 percent. Data used to compute this IUR are as follows:
  - A. Average number of weeks of unemployment claimed in California per week for the 13 weeks ending July 21, 1984, was 315,447. These data are based on UI and UI/Joint certifications processed through noon July 27, 1984, and have been adjusted for Internet and WSUI activity per DOL instructions.
  - B. Average mid-monthly non-federal covered employment is computed on the basis of employment reported by employers for the first four of the last six calendar quarters before the week ending July 21, 1984, as provided in Section 3503 of the Unemployment Insurance Code.

January	-	March	1983
April	-	June	1983
July	-	September	1983
October	-	December	1983.....9,926,558

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 3 - 1984

MARCH FONG EU, Secretary of State  
By Marjorie Hershberger  
Deputy

CALIFORNIA INSURED UNEMPLOYMENT RATE

1. Cal-ED benefits may not be paid in California for the week beginning July 29, 1984. (week ending August 4, 1984), because there was not a Cal-ED "ON" indicator for the week beginning July 8, 1984. (week ending July 14, 1984).
2. A Cal-ED extended benefit period may begin in California on the first day of the third week after the first week for which there is a State "ON" indicator. A State "ON" indicator occurs in California if the Employment Development Department determines that:
  - A. The Cal-ED indicator has been "OFF" for at least 13 weeks since the last Cal-ED period ended, and
  - B. The California insured unemployment rate is at least 6.0 percent.
3. As of July 28, 1984, 54 weeks will have elapsed since the ending of the last Cal-ED benefit period.
4. The insured unemployment rate (IUR) for the week ending July 14, 1984, is only 3.20 percent. Data used to compute this IUR are as follows:
  - A. Average number of weeks of unemployment claimed in California per week for the 13 weeks ending July 14, 1984, was 317,715. These data are based on UI and UI/JOINT certifications processed through noon July 20, 1984, and have been adjusted for Internet and WSUI activity per DOL instructions.
  - B. Average mid-monthly non-federal covered employment is computed on the basis of employment reported by employers for the first four of the last six calendar quarters before the week ending July 14, 1984, as provided in Section 3503 of the Unemployment Insurance Code.

January	-	March	1983
April	-	June	1983
July	-	September	1983
October	-	December	1983.....9,926,558

**FILED**  
In the office of the Secretary of State  
of the State of California

JUL 31 1984

MARCH FONG EU, Secretary of State

By Margaret Hershberger  
Deputy



FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

840801-2  
**FILED**

In the office of the Secretary of State  
of the State of California

AUG 13 1984

At 4:04 o'clock P.M.  
MARCH FONG EU, Secretary of State

By Deborah Hershberger  
Deputy Secretary of State

ENDORSED  
APPROVED FOR FILING

AUG 13 1984

Office of Administrative Law  
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,  
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McKeon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Merry Benard, Analyst

TELEPHONE

5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED  
44-313.41, 44-313.42

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency  
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational  
Change

☐ Editorial Correction

☐ Authority and Reference  
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,  
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal  
(Attach Approval)

☐ Building Standards Comm.  
(Attach Approval)

☐ Fair Political Practices Comm.  
(Include FPPC Approval Stamp)

☒ Department of Finance  
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

N/A

b. DATE OF ADOPTION OF REGULATION(S)

27 JULY 84

c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS  
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_

c. ☒ Effective on filing w/SOS (Designate effective date **earlier than** 30 days after filing with the Secretary  
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on \_\_\_\_\_ (Designate effective date **later than** 30 days after filing with the Secretary of  
State.)

INSTRUCTIONS FOR STD 400  
(OAL-4)

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

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b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

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- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
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- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)



Amend Section 44-313.41 to read:

44-313 BUDGETING METHODS FOR AFDC-FG/U (Continued)

44-313

.4 Budgeting the Income of Individuals Added to or Deleted from an Existing Assistance Unit (Continued).

.41 The income of an eligible individual added to an existing assistance unit shall be budgeted prospectively for the first two payment months, provided the individual has not been previously aided in that assistance unit or has had a break in aid of at least one calendar month, except in the following circumstances:

.411 If the individual is requesting a restoration when aid is restored following a break in aid from that assistance unit when the break in aid is less than one calendar month, his/her income is budgeted retrospectively budgeting shall continue. See Section 44-313.232.

.412 When the added individual's income has been considered for the assistance unit's eligibility for the two months immediately preceeding the beginning date of aid, retrospective budgeting shall be used.

.413 When the added individual's income has been considered for the assistance unit's eligibility for only the first month immediately preceeding the beginning date of aid, his/her income shall be retrospectively budgeted in the second month of aid.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11450.5.

Reference: Welfare and Institutions Code Sections 10553 and 11450.5; 45 CFR Section 233.35(a), 233.31(b)(3); letter of February 9, 1984 from Regional Administrator for Family Assistance of Department of Health and Human Services.

Amend Section 44-313.42 to read:

44-313 BUDGETING METHODS FOR AFDC-FG/U (Continued)

44-313

•4 Budgeting the Income of Individuals Added to or Deleted from an Existing Assistance Unit (Continued)

•42 The budget month income received by of an individual during the budget month deleted from an assistance unit shall not be considered income to the assistance unit for retrospective budgeting in any payment month if the individual's need or income is not also used to determine eligibility for the payment month following his or her discontinuance except in the following circumstance:

•421 When the person remains in the home following discontinuance and has income which is considered available to the assistance unit under Section 44-133, retrospective budgeting shall continue.

Example:

A child with income moves from the home in July. The child's needs are not considered for eligibility in August. Therefore, his/her June income is not considered when computing the grant paid in August.

Authority: welfare and Institutions Code Sections 10553, 10554, 11450.5.

Reference: Welfare and Institutions Code Sections 10553, 11450.5; 45 CFR 233.35(a), 233.31(b)(3); letter of February 9, 1984 from Regional Administrator for Family Assistance of Department of Health and Human Services.

**FILED**  
In the office of the Secretary of State  
of the State of California

NOTICE OF CORRECTION

FOR

ORDER OF REPEAL

AUG 14 1984  
At 4:45 o'clock P. M.  
MARCH FONG EU, Secretary of State  
By *Marjorie Hershberger*  
Deputy Secretary of State

This filing corrects a typographical error in the order repealing the adoption of section 19-004.4 and the amendments to sections 19-004.1, .3, .5, .6, .7 and .8, and section 40-131 of the Department of Social Services Manual of Policies and Procedures which was filed with the Secretary of State on August 10, 1984. The August 10, 1984, filing ordered the repeal of the adoption of section 11-004.4 and the amendment to sections 11-004.3, .5, .6, .7 and .8 and section 40-131.3d of the Manual of Policies and Procedures. That filing was intended to order the repeal of the adoption of section 19-004.1, .3, .5, .6, .7 and .8, and section 40-131.3d of the Department of Social Services Manual of Policies and Procedures.

ENDORSED  
APPROVED FOR FILING

AUG 14 1984

Office of Administrative Services


AMENDED ORDER OF REPEAL

GOVERNMENT CODE SECTION 11349.6(b)

The adoption of section 19-004.4, and the amendments to sections 19-004.1, .3, .5, .6, .7 and .8, and section 40-131.3d of the Department of Social Services Manual of Policies and Procedures, which were adopted by the Department of Social Services as emergency regulations on July 27, 1984, and filed with the Secretary of State on August 10, 1984, are hereby repealed pursuant to Government Code section 11349.6(b).

The Department of Social Services has not provided specific facts to show that the regulations are necessary for the immediate preservation of the public peace, health and safety, or general welfare. Further, section 40-131.3d of the regulations does not meet the clarity standard of Government Code section 11349.1(a)(3).

DATED: August 14, 1984

  
LINDA STOCKDALE BREWER  
Director

# FACE SHEET

(OAL-4)

(See Instructions on Reverse)

840718-3

ORD # 483-30  
483-31

## FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED

JUL 19 10 02 AM 1984

ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING

AUG 17 1984

Office of Administrative Law

LEAVE BLANK

### 1. ATTACHED ARE REGULATIONS ADOPTED, AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

*Rosalie Clark*

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

# FILED

In the office of the Secretary of State  
of the State of California

AUG 17 1984

At 4:11 o'clock P.M.

MARCH FONG EU, Secretary of State

By

*Margorie Herzhberger*  
Deputy Secretary of State

LEAVE BLANK

### AGENCY CONTACT PERSON AND POSITION

Dion Webb, ORD Analyst

### TELEPHONE

5-0313

### 2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

#### SECTIONS AMENDED

Title: 22 63-032, 63-033, 63-102gg, 111 and mmm.

#### SECTIONS ADOPTED

#### SECTIONS REPEALED

### 3. TYPE OF ORDER (CHECK ONE)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Regular                                 | <input type="checkbox"/> Emergency<br>(Attach Finding of Emergency) | <input type="checkbox"/> Certificate of Compliance                  |
| Other Regulatory Actions:  |   |   |
| <input type="checkbox"/> Procedural and Organizational<br>Change | <input checked="" type="checkbox"/> Editorial Correction            | <input type="checkbox"/> Authority and Reference<br>Citation Change |

### 4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing \_\_\_\_\_

### 5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

### 6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> State Fire Marshal<br>(Attach Approval) | <input type="checkbox"/> Building Standards Comm.<br>(Attach Approval) | <input type="checkbox"/> Fair Political Practices Comm.<br>(Include FPPC Approval Stamp) | <input type="checkbox"/> Department of Finance<br>(Attach STD. Form 399) |
|--|--|--|--|

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

### 8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

### 9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_
- c. ☐ Effective on \_\_\_\_\_ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on \_\_\_\_\_ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400  
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

#### Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend by renumbering Section 63-033 to Section 63-031:

63-0331 IMPLEMENTATION OF TRAINING AND BILINGUAL  
REVISIONS

63-0331

CWDs shall implement these regulations on Program Administration and Personnel Requirements promulgated in accordance with 5 USC 601-612 as amended by Public Law 96-354, effective on the first day of the month, 30 days after filing with the Secretary of State. This order affects changes to Section 63-202.1-.5.

Authority: Welfare and Institutions Code Sections 10553, and 10554.

Reference: Welfare and Institutions Code Section 10553 and 10554.

Amend new Section 63-032 to read:

63-032 IMPLEMENTATION OF STUDENT ELIGIBILITY PROVISIONS 63-032

Beginning April 1, 1984 counties shall implement the required program changes for all new applications (see Section 63-406). The current case load shall be converted to the required program changes at the time of recertification or anytime a case file is reviewed prior to recertification. These regulations implement changes to Sections 63-102gg, ~~+++~~ ppp, and ~~mmm~~ ggg and 63-406.1, .213, .214, .215, .221, .23, .231, .232, .233, and .3.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.



Amend Sections 63-102.gg.1; 63-102lll. and mmm. to read:

63-102 DEFINITIONS (Continued)

63-102

gg."Retail food store" means:

1. An establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume is more than 50 percent for food items for home preparation and consumption. See Section 63-102(†††ppp.) for house-to-house trade route definition.

63-102 DEFINITIONS (Continued)

63-102

†††ppp. "House-to-house trade routes" means any retail food business operated from a truck, bus, pushcart, or other vehicle which can move easily from place to place.

mmmggg. "Trafficking" means the buying or selling of coupons or ATP cards for cash.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 29 1984  
At 4:44 o'clock P. M.  
MARCH FONG EU, Secretary of State  
By Margie Herschenger  
Deputy Secretary of State


ORDER OF REPEAL

GOVERNMENT CODE SECTION 11349.6(b)

The amendments to sections 20-300, 22-001, 22-003, 22-200, 22-201, 22-202, 22-210, 22-220, 22-230, 22-240, 63-040, 63-103, 63-402, 63-501, 63-502, 63-503, 63-504, 63-702, 63-801 and 63-805 of the Manual of Policies and Procedures, which were adopted by the Department of Social Services on March 16, 1984, and filed with the Secretary of State on March 16, 1984, effective April 1, 1984, are hereby repealed pursuant to Government Code section 11349.6(b).

Sections 20-300.411, 63-801.11, 63-801.213, 63-801.223, 63-801.413, 63-801.711, and 63-801.737 fail to meet the necessity standard of Government Code section 11349.1(a)(1). Sections 63-801.411 and 63-801.83 fail to meet the consistency standard of Government Code section 11349.1(a)(4).

DATED: August 29, 1984

  
LINDA STOCKDALE BREWER  
Director

ENDORSED  
APPROVED FOR FILING  
AUG 29 1984  
Office of Administrative Services

**FACE SHEET**  
(OAL-4)

(See Instructions on Reverse)

**FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW**

840830-1

ORD 783-47

RECEIVED FOR FILING

AUG 30 9 26 AM '84

ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING

AUG 31 1984

Office of Administrative Law

LEAVE BLANK

**1. ATTACHED ARE REGULATIONS ADOPTED,  
AMENDED OR REPEALED BY:**

State Department of Social Services

(AGENCY)

BY:

*Linda S. McKeon*

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 31 1984

At 4:13 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Debbie Horabarger*  
Deputy Secretary of State

LEAVE BLANK

**AGENCY CONTACT PERSON AND POSITION**

Rick Torres, Regulations Analyst

**TELEPHONE**

5-0313/3-0883

**2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:**

SECTIONS AMENDED 63-040.2, 63-402.214, 63-502.14, 63-503.443(b), 63-504.266(g), 63-801.11,

Title: 22 63-805.3, 63-801.2, 224, 63-801.441 & .441(c), 63-801.722 & .722(a)(3), 20-300.21, .32 & .34

SECTIONS ADOPTED

SECTIONS REPEALED

**3. TYPE OF ORDER (CHECK ONE)**

☐ Regular

☒ Emergency  
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational  
Change

☐ Editorial Correction

☐ Authority and Reference  
Citation Change

**4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?**

☐ No

☒ Yes, if yes give date of previous filing 7-30-84

**5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?**

☒ No

☐ Yes

**6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,  
CHECK THE APPROPRIATE BOX OR BOXES.**

☐ State Fire Marshal  
(Attach Approval)

☐ Building Standards Comm.  
(Attach Approval)

☐ Fair Political Practices Comm.  
(Include FPPC Approval Stamp)

☐ Department of Finance  
(Attach STD. Form 399)

**7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER**

March 30, 1984

**b. DATE OF ADOPTION OF REGULATION(S)**

August 29, 1984

**c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))**

**8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?**

☒ No

☐ Yes

**9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS  
ON REVERSE)**

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_

c. ☒ Effective upon filing with the Secretary of State.  
(Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on \_\_\_\_\_ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

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(OAL-4)

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(Attach additional sheets if necessary.)

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Part 4. Check appropriate box.

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

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Part 8. Check appropriate box. This information is for statistical purposes.

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- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

#### Filing Requirements

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 63-040.2 as shown:

63-040      IMPLEMENTATION OF DISQUALIFICATION PENALTIES      63-040  
OVERISSUANCE RECOVERIES

Sections 63-103, 63-402, 63-501, 63-502, 63-503, 63-504, 63-702, and 63-805 and Division 22, Chapters 22-200, 22-201, 22-202, 22-210, 22-220, 22-230, and 22-240 as amended, and Sections 63-502.13 and .14, 63-503.44, 63-801, 63-805.1 and Division 20, Chapter 300 as adopted herein, shall become effective April 1, 1984 and implemented as follows.

- .1 Effective April 1, 1984, the revised and newly adopted provisions shall be applied to all new applications.
- .2 Currently certified cases shall be converted to the revised and newly adopted provisions on handling the income and resources of individuals disqualified for intentional Program violations, and recovery of household overissuance claims at by the time of recertification, or at any time the case file is reviewed prior to recertification, whichever is earlier. If the CWD has enough information in the case file that will not require the household to appear to obtain further information, the CWD may convert prior to the recertification period.
- .3 The provisions in Division 20, Chapter 20-300, and Section 63-805.1 on Program disqualification for intentional Program violations shall be applied to certified households from the effective date of these regulations. However, the disqualification penalties shall apply only to individuals for acts of intentional Program violation which occurred during a certification period after the household has been notified of the new disqualification penalties.
- .4 The reporting requirements in Division 20, Section 20-300.5 shall become effective April 1, 1984. CWDs shall by no later than June 1, 1984, report to Food and Nutrition Service/Western Regional Office information required to complete the Disqualified Recipient Report Form (FNS 524) for individuals disqualified by an Administrative Disqualification hearing or a court of appropriate jurisdiction under the fraud disqualification regulations in effect prior to the effective date of these regulations.
- .5 The submission requirements for Form DFA 209, Status of Claims Against Households, as provided in Section 63-801.82 shall be implemented beginning with the end of the April-June 30, 1984 quarter.

Authority: welfare and Institutions Code Sections 10553,  
18902, and 18904.

Reference: Welfare and Institutions Code Section 18904,  
Government Code Section 11346.1(d), and 7 CFR  
272.1.

•2 State Agency Delegations to County Agencies (Continued)

•21 (Continued)

- g. Determining the amount of, and setting, adjusting, compromising, or denying all or part of any household overissuance claim which results from intentional Program violation, inadvertent household or CWD administrative error, subject to the standards in Section 63-801.

Authority: Welfare and Institutions Code Section 10553 and 18904.

Reference: Welfare and Institutions Code Section 18902 and 7 CFR 273.16.

Amend Section 63-402.214 to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

•2 Nonhousehold and Excluded Household Members

•21 Nonhousehold Members

The following individuals residing with a household shall be considered nonhousehold members in determining the household's eligibility or allotment. Their income and resources shall not be considered available to the household except as otherwise provided in Section 63-503.45. Nonhousehold members who are otherwise eligible may participate in the Food Stamp Program as separate households.

•211 Roomers

Individuals to whom a household furnishes lodging, but not meals, for compensation.

•212 Live-in Attendants

Individuals who reside with a household to provide medical, housekeeping, child care, or other similar personal services.

•213 SSI Recipients

No person receiving Supplemental Security Income/State Supplementary Program (SSI/SSP) payments is eligible to receive food stamp benefits. Under the provisions of PL 95-458: 1) most California SSI/SSP recipients receive as part of their SSI/SSP benefit a cash amount in lieu of food stamp benefits; 2) all SSI/SSP recipients in California are ineligible to receive food stamps. A person must actually receive, not merely have applied for, SSI/SSP benefits to be determined ineligible for the Food Stamp Program. If the CWD provides payments at least equal to the level of SSI/SSP benefits to persons who have been determined eligible for SSI/SSP awaiting receipt of SSI/SSP benefits, receipt of these substitute payments will terminate Food Stamp Program eligibility. Once receiving SSI/SSP benefits, the person will remain ineligible for food stamp benefits until actually terminated from the



SSI/SSP Program; periods of nonreceipt or suspension of SSI/SSP payments do not restore food stamp eligibility.

•214 Students

Persons enrolled in an institution of higher education who are ineligible because they fail to meet the eligibility criteria set forth in Section 63-406.2.

•215 Others

Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household. For example, if the applicant household shares living quarters with another family to save on rent but does not purchase and prepare food together with that family, the members of the other family are not members of the applicant household. Also, an individual or family which, because of a temporary loss of income, was forced to move into the home of friends or relatives. Under such circumstances, that person or family which customarily purchases food and prepares meals separately, from the household that took them in could apply as a separate household.

•22 Excluded Household Members

The following individuals residing with a household shall be excluded from the household when determining the household's size for the purpose of assigning a monthly allotment to the household or of comparing the household's monthly income with the income eligibility standards. However, the income and resources of excluded household member(s) shall be considered available to the remaining household members in accordance with Section 63-503.44. Excluded household members shall not participate in the Food Stamp Program as separate households.

•221 Ineligible Aliens

Individuals who do not meet the citizenship or eligible alien status in Section 63-403.

•222 SSN Disqualified

Individuals disqualified for refusal or failure, without good cause, to provide or obtain an SSN as required in Section 63-404.4.

•223 Intentional Program Violation Disqualified

Individuals disqualified for committing act(s) of intentional Program violation, as set forth in Section 63-805.

•224 Workfare Sanctioned

Individuals sanctioned by a CWD while a participating member of a household disqualified for failure to comply with the CWD's Workfare Program requirements.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR Sections 273.1(b), 273.11(c), 273.22(f)(b)(i), 273.8(j), and 273.16(b).

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

•7 Resources of Nonhousehold Members

The resources of nonhousehold members, as defined in Section 63-402.21, shall not be counted as available to the household.

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

•9 Resources of Excluded Household Members

The resources of excluded household members, as defined in Section 63-402.22, and as provided in Section 63-503.44 shall be counted as available to the remaining household members.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 13901 and 7 CFR Section 273.8(j).

Amend Section 63-502.14 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

•1 Income Definition (Continued)

- 13 The earned or unearned income of the following individuals shall be counted in its entirety as income to the remaining household members.
  - 131 Individuals disqualified from household participation for committing intentional Program violations as provided in SDSS' Manual of Policies and Procedures, Division 20, Chapter 20-300.
  - 132 Individuals sanctioned by a CWD while a participating member of a household disqualified for failure to comply with the CWD's Workfare Program requirements.
- 14 The earned or unearned income of the following disqualified individuals shall be counted as income to the remaining household members, less a pro rata share for the each disqualified and/or ineligible individual. Procedures for calculating this pro rata share shall be in accordance with Section 63-503.442.
  - 141 Individuals disqualified from households for failing to comply with the SSN requirements in accordance with Section 63-404.4.
  - 142 Individuals disqualified from households for being an ineligible alien in accordance with Section 63-403.2.
- 15 Income shall not include the following:
  - 151 Monies withheld from an assistance payment, earned income, or other income source, or monies received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, provided that the overpayment was not excludable under Section 63-502.2.
  - 152 Child support payments received by AFDC recipients which must be transferred to the agency administering Title IV-D of the Social Security Act, as amended, to maintain AFDC eligibility.

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR, Section 273.11(c)

63-503 DETERMINING HOUSEHOLD ELIGIBILITY  
AND BENEFIT LEVELS (Continued)

63-503

•4 Households with Special Circumstances (Continued)

•44 Disqualified Members and Ineligible Aliens

The resources and income of individual household members disqualified for fraud or for refusal to cooperate in providing verification of or proof of application for a Social Security Number (SSN), and of an ineligible alien who would be considered a household member if not for his/her ineligible alien status, shall be considered available to the household as follows:

•441 Resources

The resources of the disqualified member or ineligible alien shall continue to count in their entirety to the remaining household members.

•442 Income

A pro rata share of the income of the disqualified member or ineligible alien shall be counted as income to the remaining household members. This pro rata share shall be calculated by first subtracting the allowable exclusions (See Section 63-502.2) from the disqualified member's or ineligible alien's income and dividing the remainder evenly among the household members and the disqualified member or ineligible alien. All but the disqualified member's or ineligible alien's pro rata share shall be counted as income to the remaining household members.

•443 Deductible Expenses

The earned income deduction (see Section 63-502.32) shall apply to the prorated income earned by the disqualified member or ineligible alien which is attributed to the household. That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member or ineligible alien shall be divided evenly among the household members and the disqualified member or ineligible

alien. All but the disqualified member's or ineligible alien's pro rata share shall be counted as a deductible shelter expense for the remaining household members. Utility expenses shall be prorated only when actual expenses are claimed. The standard utility allowance (SUA) shall not be prorated, but the remaining household members must be entitled to claim the SUA (see Section 63-502.352).

•444 Eligibility and Benefit Level

The disqualified member or ineligible alien shall not be included when determining the household size for purposes of assigning an allotment to the household or for purposes of comparing the household's gross or net monthly income with the appropriate income eligibility standards (see Section 63-503.32).

•445 Reduction or Termination of Benefits Within the Certification Period

Whenever an individual is disqualified within the household's certification period, the CWD shall determine the eligibility or ineligibility of the remaining household members based, as much as possible, on information on the CA 7 and in the case file and shall take the following action:

(a) Fraud Disqualification

If a household's benefits are reduced or terminated within the certification period because one of its members has been disqualified for fraud, the CWD shall notify the remaining members of their eligibility and benefit level at the same time the disqualified member is notified of its disqualification. The household is not entitled to a notice of adverse action but may request a fair hearing to contest the reduction or termination of benefits.

(b) Social Security Number Disqualification

If a household's benefits are reduced or terminated within the certification period because one of its members has been disqualified for refusing to cooperate in providing his/her social security account

~~number or verification of application for a social security number as required in Section 63-404, the CWD shall issue a notice of adverse action which informs the household that one of its members is being disqualified, the reason for the disqualification, the eligibility and benefit levels of the remaining members, and what must be done to end the disqualification.~~

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: Welfare and Institutions Code Sections 18901 and 18902; and 7 CFR, Sections 273.11(c), 273.13(b), and 273.16(e).



Amend Section 63-503.433(v) to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY  
AND BENEFIT LEVELS (Continued)

63-503

.4 Households with Special Circumstances (Continued)

.44 Treatment of Income and Resources of Excluded Members

During the period of time that excluded household members, as specified in Sections 63-402.221, .222, .223, and .224, are ineligible to participate, the eligibility and benefit of any remaining household members shall be determined in accordance with Sections 63-503.441, .442, and .443.

.441 Members Excluded for Intentional Program Violation  
Disqualification or Workfare Sanction

The eligibility and allotment of any remaining household members of a household containing individuals excluded because of disqualification for intentional Program violation or imposition of a sanction while they were residing in a workfare Program project area and participating as a member of a household disqualified for failure to comply with the workfare requirements, shall be determined as follows:

(a) Income, Resources, and Deductible Expenses

The income and resources of the excluded household member(s) shall continue to be counted in their entirety, and the entire household's allowable earned income, standard, medical, dependent care, and excess shelter deductions shall continue to apply to the remaining household members.

(b) Eligibility and Benefit Level

The excluded member shall not be included when determining the household's size for the purposes of:

- (1) Assigning a monthly allotment to the household;

- (2) Comparing the household's monthly income with the income eligibility standards; or
- (3) Comparing the household's resources with the resource eligibility limits. The CWD shall ensure that no household's coupon allotment is increased as a result of the exclusion of one or more household members.

•442 Members Excluded for Other Causes

The eligibility and monthly allotment of any remaining household members of a household containing individuals excluded for being ineligible aliens or because of disqualification for refusal or failure without good cause to obtain or provide an SSN shall be determined as follows:

(a) Resources

The resources of such excluded members shall continue to count in their entirety to the remaining household members.

(b) Income

A pro rata share of the income of such excluded members shall be counted as income to the remaining members. This pro rata share is calculated by first subtracting the allowable exclusions from the excluded member's income and dividing the remaining income evenly among the household members, including the excluded members. All, but the excluded members' share is counted as income for the remaining household members.

(c) Deductible Expenses

The earned income deduction shall apply to the prorated income earned by such excluded members which is attributed to the household. That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the excluded members shall be divided evenly among the household's members.

including the excluded members. All but the excluded members' share is counted as a deductible shelter expense for the remaining household members. Proration of utility expenses shall be applied when actual amounts are claimed. The standard utility allowance (SUA) shall also be prorated, if the household is using the SUA. (See Section 63-502.361.)

(d) Eligibility and Benefit Level

Such excluded members shall not be included when determining their households' sizes for the purposes of:

- (1) Assigning a benefit level to the household;
- (2) Comparing the household's monthly income with the income eligibility standards; or
- (3) Comparing the household's resources with the resource eligibility limits.

•443 Reduction or Termination of Benefits within the Certification Period

Whenever an individual is excluded within the household's certification period, the CWD shall determine the eligibility or ineligibility of the remaining household members.

(a) Members Excluded for Intentional Program Violation Disqualification

If a household's allotment is reduced or terminated within the certification period because one of its members was excluded because of disqualification for intentional Program violation, the CWD shall notify the remaining members of their eligibility and monthly allotment at the same time the excluded member is notified of his or her disqualification. The household is not entitled to a timely notice but may request a state hearing to contest the reduction or termination of benefits, unless the household has already had a state hearing on the amount of the claim as a result of

consolidation of the administrative  
disqualification hearing with the state  
hearing.

(b) Members Excluded for Other Causes

If a household's allotment is reduced or terminated within the certification period because one or more of its members is an ineligible alien or was sanctioned while they were participating as a household member in a Workfare Program project area and the household was disqualified for failure to comply with the Workfare Program requirements, or was disqualified for refusal or for failure without good cause to obtain or provide an SSN, the CWD shall issue a notice of change (DFA 377.4), in accordance with Section 63-504.24267(d) which shall inform the household of the exclusion, the reason for the exclusion, the eligibility and monthly allotment of the remaining members and the actions the household must take to end the disqualification.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR Sections 273.11(c), 273.13(b), and 273.16(e).

•4 Households with Special Circumstances (Continued)

•47 Residents of Drug/Alcohol Treatment and Rehabilitation Programs

- 476 The institution shall be responsible for any intentional Program violation which it knowingly commits in the certification of center residents. As an authorized representative, the institution shall be knowledgeable about household circumstances and should carefully review those circumstances with residents prior to applying on their behalf. The institution shall be strictly liable for all losses or misuse of food coupons held on behalf of resident households and for all overissuances which occur while the households are residents of the treatment center.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901, and 7 CFR Sections 273.11(e) and 273.16(e).

Amend Section 63-504.266(g) to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING  
ELIGIBILITY (Continued)

63-504

•2 Notices of Action (Continued)

•26 Notice of Change (DFA 377.4) (Continued)

•266 Exemptions from Providing Notice (Continued)

No notice shall be required when: (Continued)

(g) Converting a household from voluntary repayment to allotment reduction as a result of failure to make agreed to repayments, as provided in Section 63-801.722.

•267 Exemptions from Providing Timely Notice (Continued)

The CWD shall provide an adequate only notice at the time of the allotment change when: (Continued)

(d) A household member is disqualified for intentional Program violation, in accordance with SDSS' Manual of Policies and Procedures, Division 20, Chapter 20-300, or the allotments of the remaining household members are reduced or terminated to reflect the disqualification of that household member. The notice requirements for individuals or households affected by intentional Program violation disqualifications shall be in accordance with SDSS' Manual of Policies and Procedures, Division 20, Chapter 20-300.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR Section 273.13(b).

•3 Cash Losses

CWDs are liable for cash losses when monies collected from overissuance claims have been lost, stolen, or otherwise not accounted for in accordance with the provisions in Section 63-801.8.

•4 Liability Check List

•41 Coupons

•411 Lost, stolen, embezzled coupons and unexplained shortages - see Section 63-705.72.

•412 Coupons in possession of issuance agent - see Section 63-603.19.

•5 Photo ID

•51 CWDs shall include in any contract or agreement with an issuing agent a provision establishing the agent's strict liability to SDSS for the face value of coupons issued in any ATP transaction when:

•511 the ATP is found to have been stolen or otherwise not received by the household and

•512 the CWD or issuing agent's cashier has not recorded the serial number of the photo ID card on the ATP, or the person presenting the ATP is not pictured on the ID card as specified in Sections 63-602.383 and .462.

•52 CWDs shall be strictly liable for losses by CWD issuing agents where reconciliation shows noncompliance (see Section 63-702.41) with photo ID requirements.

•53 The strict liability referred to in Section 63-702.41 shall apply (to counties or parts of counties) notwithstanding the fact that FNS previously granted waiver(s) of provisions of the photo ID requirements.

•54 In CWDs using an HIR system the strict liabilities conditions of Sections 63-702.51, .52, and .53 apply in a like manner.



Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18902, 18904, and 7 CFR Section 276.2(c).

Amend Section 63-801.11, .22, .441, .441(c), and .722 and .722(a)(1)(3) to read:

63-801 CLAIMS AGAINST HOUSEHOLDS

63-801

•1 Establishing Claims Against Households and/or Against Sponsors of Alien Households

The CWD shall establish a claim, in accordance with Section 63-801.2, against any household that has received more food stamp benefits than it is entitled to receive except as specified in Section 63-801.12. Any sponsor of an alien and the sponsored alien shall be held jointly and individually liable for repayment of any overissuance of food stamp benefits that results from incorrect information provided by the sponsor. In such cases, the CWD shall establish a claim against the sponsor or the alien household as provided in Section 63-801.13.

•11 Time Frame for Establishing Inadvertent Household Error, Administrative Error, and Intentional Program Violation Claims

The CWD shall take action, within the time frames of this section, to establish a claim against any household that received an overissuance due to an inadvertent household or administrative error. Intentional Program violation claims shall be established and handled in accordance with Section 63-801.23. The CWD shall take action on inadvertent household and administrative error claims for which up to 12 months have elapsed between the month the overissuance occurred and the month the CWD discovered the overissuance correctly determined by computation that an overissuance occurred irrespective of the date the claim determination (Form DFA 842) was completed.

•12 No claim shall be established if an overissuance occurred as a result of the following:

•121 The CWD failed to ensure that a household fulfilled the following procedural requirements:

- (a) Signed the application form;
- (b) Completed a current work registration form;
- (c) was certified in the correct county.

•122 The household transacted, but did not alter an expired ATP.

•13 Claims Against Alien Households and Sponsors of Alien Households

•131 The CWD shall hold the alien's household solely liable for repayment of an overissuance in benefits, and establish a claim against the household, if the CWD determines that the sponsor had good cause or was not at fault for providing the incorrect information that resulted in the overissuance.

•132 If the CWD determines that the sponsor did not have good cause, or was at fault, in accordance with Section 63-801.413, the CWD shall decide whether to establish a claim for the overissuance against either the sponsor or the sponsored alien's household, or both. The CWD shall choose to establish claims against both parties at the same time or to establish a claim against the party it deems most likely to repay first. If a claim is established against the sponsor first, the CWD shall ensure that a claim is established against the household whenever the sponsor fails to respond to the CWD's Repayment Notice (DFA 377.7B) within 30 days of receipt. The CWD shall return to the sponsor and/or the household any amounts repaid in excess of the total amount of the claim (Claim Determination Worksheet, DFA 842).

•2 Types of Claims

The CWD shall categorize and account for all claims against households as inadvertent household error claims, administrative error claims, or intentional Program violation claims.

•21 Inadvertent Household Error Claims

A claim shall be handled as an inadvertent household error claim if the overissuance was caused by a misunderstanding or unintended error on the part of the household or the sponsor of an alien household. Instances of inadvertent household error which may result in a claim include, but are not limited to the following:

- 211 The household, or the sponsor unintentionally failed to provide the CWD with correct or complete information.
- 212 The household unintentionally failed to report to the CWD changes in household circumstances or the circumstances of its sponsor.
- 213 The household unintentionally received benefits or more benefits than it was entitled to receive pending a state hearing decision because the household requested a continuation of benefits.

•22 Administrative Error Claims

A claim shall be handled as an administrative error claim if the overissuance was caused by the FWB action or inaction of any agency administering the Food Stamp Program. Instances of administrative error which may result in a claim include, but are not limited to the following:

- 221 The FWB agency failed to take prompt action on a change reported by the household.
- 222 The FWB agency incorrectly computed the household's income or deductions, or otherwise assigned an incorrect allotment.
- 223 The FWB agency incorrectly issued duplicate ATPs which were subsequently transacted by the household.
- 224 The FWB agency continued to provide a household with food stamp allotments after its certification period had expired without benefit of a reapplication determination.

•23 Intentional Program Violation Claims

- 231 A claim shall be handled as an intentional Program violation claim only if an administrative disqualification hearing official or a court of appropriate jurisdiction has determined that a household member or the sponsor had committed an intentional Program violation, as defined in Section 63-801.232. Prior to a determination of intentional Program violation the claim against the household shall be established and handled as an inadvertent household error claim.

•232 An act committing an intentional Program violation is defined as having intentionally:

- (a) Made a false or misleading statement, or misrepresented, concealed, or withheld facts, or
- (b) Committed any act which constitutes a violation of the Food Stamp Act, the Food Stamp Program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt or possession of food stamp coupons or ATPs.

### •3 Calculating the Amount of Claims

#### •31 Inadvertent Household and Administrative Error Claims

•311 For each month that a household received an overissuance due to an inadvertent household or administrative error, the CWD shall determine the correct amount of food stamp benefits the household was entitled to receive. The CWD shall calculate the amount of the overissuance which occurred during the 12 months preceding the date the overissuance was discovered. In cases involving reported changes, the CWD shall determine the month the overissuance initially occurred as follows:

- (a) If, due to an inadvertent error on the part of the household, the household failed to report a change in its circumstances within the time frames required in Section 63-505, the first month affected by the household's failure to report shall be the first month in which the change would have been effective had it been timely reported. However, in no event shall the CWD determine as the first month in which the change would have been effective any month later than two months from the month in which the change in household circumstances occurred.
- (b) For monthly reporting households, a claim shall be established when the household fails to report a change on the CA 7 by the extended filing date for the appropriate report month. For nonmonthly reporting households, a claim shall be established if

the household fails to report a change within 10 days of the date the change became known.

- (c) If the household timely reported a change, but the CWD did not act on the change within the required time frames, the first month affected by the CWD's failure to act shall be the first month the CWD would have made the change effective had it timely acted. However, in no event shall the CWD determine as the first month in which the change would have been effective any month later than two months from the month in which the change in household circumstances occurred.

•312 If the household received a larger allotment than it was entitled to receive, the CWD shall establish a claim against the household equal to the difference between the allotment the household received and the allotment the household should have received.

•313 After calculating the amount of the inadvertent household or administrative error claim, the CWD shall offset the amount of the claim against any amounts which have not yet been restored to the household as a restoration of lost benefits in accordance with Section 63-802.54. The CWD shall then initiate collection action for the remaining balance, if any.

#### •32 Intentional Program Violation Claims

•321 For each month that a household received an overissuance due to an act of intentional Program violation, the CWD shall determine the correct amount of food stamp benefits, if any, the household was entitled to receive. The amount of the intentional Program violation claim shall be calculated back to the month the act of intentional Program violation occurred, regardless of the length of time that elapsed until the determination of intentional Program violation was made. However, the CWD shall not include in its calculation any amount of the overissuance which occurred in a month more than six years from the date the overissuance was discovered or prior to March 1, 1979. If the household member is determined to have committed intentional Program

violation by intentionally failing to report a change in its household's circumstances, the first month affected by the household's failure to report shall be the first month in which the change would have been effective had it been reported. However, in no event shall the CWD determine as the first month in which the change would have been effective any month later than two months from the month in which the change in household circumstances occurred.

•322 If the household received a larger allotment than it was entitled to receive, the CWD shall establish a claim against the household equal to the difference between the allotment the household received and the allotment the household should have received.

•323 Once the amount of the intentional Program violation claim is established, the CWD shall offset the claim against any amount of lost benefits that have not been restored to the household as lost benefits in accordance with Section 63-802.54.

#### •4 Collecting Claims Against Households and Sponsors of Alien Households

##### •41 Criteria for Initiating Collection Action on Inadvertent Household and Administrative Error Claims

•411 CWDs shall initiate collection action against the household or the sponsor for all inadvertent household error claims, or the household for all administrative error claims, unless the claim is collected through offset or one of the following conditions apply:

(a) The total amount of the claim is less than \$35, and the claim cannot be recovered by reducing the household's allotment.

(b) The CWD has documentation which shows that the household or the sponsor of an alien household cannot be located.

•412 The CWD may postpone collection action on inadvertent household error claims in cases where an overissuance is being referred for possible legal prosecution or for administrative

disqualification, and the CWD determines that collection action will prejudice the case.

- 413 Prior to initiating collection action against the household of a sponsored alien for repayment of an overissuance caused by incorrect information having been provided concerning the alien's sponsor or sponsor's spouse, the CWD shall determine whether such incorrect information was provided due to inadvertent error or intentional Program violation on the part of the alien or the alien's sponsor. The CWD shall inform the alien's sponsor that neither the sponsor nor his/her spouse will be held responsible for repayment of the overissuance if the sponsor can demonstrate to the satisfaction of the CWD that he/she had good cause or was not at fault for the incorrect information having been provided the CWD.

(a) A sponsor will be without fault or have good cause for not providing correct information only when the sponsor has met all of his/her responsibilities in providing correct information, but the alien has not.

(b) A sponsor shall not be held at fault for a CWD administrative error.

•42 Criteria for Initiating Collection Action on Intentional Program Violation Claims

If an administrative disqualification hearing official or a court of appropriate jurisdiction finds that a household member or the sponsor of an alien household member committed intentional Program violation, the CWD shall initiate collection action against the individual's household or the sponsor of the alien household member. In addition, to the extent possible, the CWD shall make a personal contact with the household and/or its sponsor.

- 421 The CWD shall initiate such collection unless:

(a) the household has repaid the overissuance already,

(b) the CWD has documentation which shows the household (and its sponsor, if an alien household), cannot be located, or,



(c) the CWD determines that collection action will prejudice the case against a household member referred for legal prosecution.

•422 The CWD shall initiate collection action for an unpaid or partially paid claim even if collection action was previously initiated against the household while the claim was being handled as an inadvertent household error claim. In cases where a household member was found guilty of intentional Program violation by a court, the CWD shall request that the matter of restitution be brought before the court or addressed in the agreement reached between the prosecutor and accused individual.

•43 Initiating Collection on Claims

•431 CWDs shall initiate collection action by providing the household or the sponsor of an alien household with a Repayment Notice (DFA 377.7B) which informs the household or its sponsor of the amount owed, the reason for the claim, the period of time the claim covers, any offsetting that was done to reduce the claim, how the household or its sponsor may pay the claim, and the household's right to a state hearing if the household disagrees with the amount of the claim. Additionally, the notice shall state that if the household has already had a state hearing on the amount of the claim as a result of a consolidation of the administrative disqualification hearing with the state hearing, the household has no right to another state hearing on the amount of the claim. If there is an individual or organization available that provides free legal representation, the DFA 377.7B shall also advise the household of the availability of the services.

(a) For inadvertent household error and intentional Program violation claims, the household, or the sponsor shall also be informed of the length of time the household has to decide which method of repayment it will choose and inform the CWD of its decision, and of the fact that the household's allotment will be reduced if the household fails to agree to make restitution.

(b) For administrative error claims, the household shall also be informed of the availability of allotment reduction as a method of repayment if the household prefers to use this method.

(c) In addition, any household or sponsor against which the CWD has initiated collection action shall be informed of their right to request renegotiation of any repayment schedule to which the household or the sponsor has agreed should the economic circumstances of the household or the sponsor undergo a change.

(1) A change in economic circumstances shall include, but not be limited to, changes in income, resources, or expenses. A change in household allotment shall not constitute a change in economic circumstances.

•432 If the household pays the claim, payments shall be accepted and submitted to SSSS in accordance with the procedures outlined in Section 63-801.8.

•44 Action Against Households and Sponsors of Alien Households Which Fail to Respond

•441 The CWD shall reduce the household's food stamp allotment without further notice in accordance with Section 63-801.73 when:

(a) Collection action has been initiated for against the household or the sponsor for repayment of an inadvertent household error or intentional Program violation claim; and

(b) The household is currently participating in the Food Stamp Program; and

(c) The household does not respond to the DFA 377.7B within 30 days of the date the notice is mailed; the CWD shall reduce the household's food stamp allotment in accordance with Section 63-801.73.

•442 If any nonparticipating or participating household against whom collection action has been initiated for repayment of an administrative error claim does not respond to the first DFA 377.7B,

additional repayment notices shall be sent at reasonable intervals, such as 30 days, until the household or the sponsor has responded by paying or agreeing to pay the claim (Repayment Agreement, DFA 377.7C), or until the criteria for suspending collection action, as specified in Section 63-801.5 have been met.

•5 Suspending and Terminating Collection of Claims

•51 Suspending Collection of Inadvertent Household and Administrative Error Claims

•511 If no collection action was initiated because of conditions specified in Section 63-801.411, an inadvertent household or administrative error claim shall be suspended.

•512 If collection action was initiated, and at least one demand letter has been sent, further collection action on any administrative error claim or on an inadvertent household error claim against a nonparticipating household or its sponsor shall be suspended when:

(a) The household cannot be located; or

(b) The cost of further collection action is likely to exceed the amount that can be recovered.

•52 Suspending Collection of Intentional Program Violation Claims

•521 The CWD shall suspend collection action on intentional Program violation claims at any time if it has documentation that the household and/or the sponsor cannot be located.

•53 Terminating Collection of Claims

A claim shall be determined uncollectible after it is held in suspense for three years. The CWD shall use a suspended or terminated claim to offset a restoration of lost benefits in accordance with Section 63-802.54.

•54 Claims Discharged Through Bankruptcy

CWDs shall act on behalf of, and as, FNS in any bankruptcy proceeding against bankrupt households owing food stamp claims. CWDs shall possess any rights,

priorities, interests, liens or privileges, and shall participate in any distribution of assets, to the same extent as FNS. Acting as FNS, CWDs shall have the power and authority to file objections to discharge, proofs of claims, exceptions to discharge, petitions for revocation of discharge, and any other documents, motions or objections which FNS might have filed. Any amounts collected under this authority shall be transmitted to FNS as provided in Section 63-801.8.

•6 Change in Household Composition

•61 Inadvertent Household and Administrative Error Claims

The CWD shall initiate collection action against the household which received the overissuance for which the inadvertent household or administrative error claim was established. If a change in household membership occurs, the CWD shall initiate collection action against the household containing a majority of the individuals who were household members at the time the error occurred. If the CWD cannot locate or determine the household which contains a majority of household members, the CWD shall initiate collection action against the household containing the head of the household at the time the overissuance occurred.

•62 Intentional Program Violation Claims

The CWD shall initiate collection action against the household which contained the household member found to have committed intentional Program violation and which received the overissuance for which the claim was established. If a change in household membership occurs, the CWD shall initiate collection action against the household containing a majority of the individuals who were household members at the time the act(s) of intentional Program violation occurred. If the CWD cannot locate or determine the household which contains a majority of the household members, the CWD shall initiate collection action against the household containing the head of the household at the time the overissuance occurred.

•7 Method of Collecting Payments

As specified in Section 63-801.4, CWDs shall collect payments for claims against households as follows:

•71 Lump Sum

- .711 If the household or the sponsor chooses to pay the claim at one time, the CWD shall collect a lump sum payment. The household shall not be required to liquidate its nonliquid resources as defined in Section 63-102(hh) to make this repayment.
- .712 If the household or the sponsor prefers to make a lump sum cash payment as partial payment of the claim, the CWD shall accept this method of payment.
- .713 If the household or the sponsor chooses to make a lump sum payment of food stamp coupons as full or partial payment of the claim, the CWD shall accept this method of repayment.

## .72 Installments

- .721 The CWD shall negotiate a payment schedule with the household or the sponsor if the household or sponsor chooses this method for a full or partial repayment of the claim. Payments shall be accepted by the CWD in regular installments. The household may use food stamp coupons as full or partial payment of any installment. If the full amount of the claim cannot be liquidated in three years, the CWD shall compromise the claim by reducing it to an amount that will allow the household to pay the claim in three years. A CWD shall use the full amount of the claim to offset any restoration of lost benefits due the household.
- .722 If the household or the sponsor fails to make a payment in accordance with the established repayment schedule (either a lesser amount or no payment), the CWD shall send the household or the sponsor a DFA 377.7B explaining that no payment or an insufficient payment was received. The notice shall inform the household or the sponsor that it may contact the CWD to discuss renegotiation of the payment schedule. The notice shall also inform the household that unless the overdue payments are made or the CWD is contacted to discuss renegotiation of the payment schedule the allotment of a currently participating household against which an inadvertent household error or intentional Program violation claim has been established will be reduced without a timely further notice and in accordance with procedures in Section 63-801.73.

(a) If the household, or the sponsor responds to the notice, the CWD shall take one of the following actions as appropriate:

(1) If the household or the sponsor makes the overdue payments and wishes to continue payments based on the previous schedule, permit the household or the sponsor to do so;

(2) If the household or the sponsor requests renegotiation, and if the CWD concurs with the request, negotiate a new payment schedule DFA 377.7C;

(3) If the household or the sponsor requests renegotiation of the amount of its repayment schedule, but the economic circumstances of the household or the sponsor have not changed enough as defined in Section 63-801.431(c)(1) to warrant the requested settlement, the CWD may continue renegotiation until a settlement can be reached. The CWD may invoke allotment reduction against a currently participating household for repayment of an intentional Program violation claim if a settlement cannot be reached.

(b) If the household or the sponsor fails to respond, the CWD shall invoke allotment reduction. If allotment reduction is invoked, no further notice is required.

.723 In cases where the household is currently participating in the Food Stamp Program and a payment schedule is negotiated for repayment of an inadvertent household error or intentional Program violation claim, the CWD shall ensure that the negotiated amount to be repaid each month through installment payments is not less than the amount which could be recovered through allotment reduction. Once negotiated, the amount to be repaid each month through installment payments shall remain unchanged regardless of subsequent changes in the household's monthly allotment.

However, the CWD, the household, or the sponsor shall have the option to initiate renegotiation of the payment schedule if they believe that the economic circumstances of the household or the sponsor have changed enough to warrant such action.

**.73 Reduction in Food Stamp Allotments**

- .731** CWDs shall collect repayments for an inadvertent household error claim or an intentional Program violation claim from a household currently participating in the Program by reducing the household's food stamp allotments as provided in Section 63-801.44.
- .732** CWDs shall collect payments for an administrative error claim from a household currently participating in the Food Stamp Program by reducing the household's food stamp allotments if the household prefers to use this method of repayment.
- .733** Prior to reduction, the CWD shall inform the household of the appropriate formula provided in Section 63-801.738, for determining the amount of food stamps to be recovered each month and the effect of that formula on the household's allotment (i.e., the amount of food stamps the CWD expects will be recovered each month), and of the availability of other methods of repayment (DFA 377.7C).
- .734** If the household requests to make a lump sum cash and/or food stamp coupon payment as full or partial payment of the claim, the CWD shall accept this method of payment. The CWD shall reduce the household's allotment in accordance with Section 63-801.738, to recover any amounts of an inadvertent household error or intentional Program violation claim not repaid through a lump sum cash and/or food stamp coupon payment, unless a payment schedule has been negotiated with the household.
- .735** The provision in Section 63-503.325 for a \$10 minimum benefit level for households with one and two members only, shall apply to the allotment prior to the reduction.
- .736** The CWD shall use the full amount of the claim to offset any restoration of lost benefits.

.737 For intentional Program violation claims, if the full amount of the claim cannot be liquidated in three years the CWD shall compromise the claim by reducing it to an amount that will allow the household to make restitution within three years.

.738 The amount of food stamps to be recovered each month through allotment reduction shall be determined in accordance with the following procedures and the calculated figure rounded as specified in Section 63-503.31.

(a) Inadvertent Household Error Claims

For inadvertent household error claims, the amount of food stamps recovered shall be 10 percent of the household's monthly allotment or \$10 per month, whichever is the greater amount.

(b) Administrative Error Claims

For administrative error claims, the amount of food stamps to be recovered each month from a household choosing to use this method shall be negotiated with the household. Choice of this option is entirely up to the household and no household shall have its allotment reduced by an amount with which it does not agree for payment of an administrative error claim.

(c) Intentional Program Violation Claims

For intentional Program violation claims, the amount of food stamps shall be 20 percent of the household's monthly allotment or \$10 per month, whichever is the greater amount.

.74 Interstate/Intercounty Claims Collection

.741 In cases where a household moves out of state, the CWD shall initiate or continue collection action against the household for any overissuance to the household which occurred while it was under the state's jurisdiction. The CWD which overissued benefits to the household shall have the first opportunity to collect any overissuance. However, if the CWD which overissued benefits to the



household does not take action to collect as soon as administratively possible, then the government agency which administers the area into which the household moves may initiate action to collect the overissuance. Prior to initiating action to collect claims against households which have moved into the state, the CWD shall contact the agency which overissued benefits to ascertain that it does not intend to pursue prompt collection. The claim collection incentive shall be retained by the CWD which collects the overissuance.

- 742 In cases where a household moves from one county to another within the state, the CWD in the county where the overissuance occurred shall initiate or continue collection action against the household. If the CWD in the county where the household was overissued benefits is unable to take action to collect, then the CWD in the county of the household's new residence shall initiate action to collect the overissuance. However, prior to initiating action to collect such overissuances, the CWD in the household's new county of residence shall contact the CWD in the county where the overissuance occurred to ascertain that it is unable to pursue collection action. The claim collection incentive is retained by the CWD which collects the overissuance.

#### •8 Submission of Payments

- 81 The CWD shall retain the value of funds collected for inadvertent household error, intentional Program violation, or administrative error claims. This amount includes the total value of allotment reductions to collect claims, but does not include the value of benefits not issued as a result of a household member being disqualified. The CWD's advance will be adjusted on a quarterly basis (calendar quarter) in an amount equal to the state and federal share of the quarterly intentional Program violation, inadvertent household error, and administrative error claim collections together with any adjustments for prior quarters.
- 82 Each CWD shall submit, for each calendar quarter, a completed Form DFA-209, Status of Claims Against Households.
- 821 A completed DFA-209 is due no later than 30 days after the end of each calendar year quarter and shall be submitted to SDSS even if the CWD has not

collected any payments. Failure to submit the DFA-209 to SDSS in a timely manner or in a fully completed format may result in a temporary suspension of a portion of the CWD's advance.

- .822 In addition to reporting the amount of funds recovered from inadvertent household error, intentional Program violation, and administrative error claims each quarter on DFA-209, the CWD shall also report these amounts on other documents as required by SDSS regulations.
- .823 In accounting for inadvertent household error and intentional Program violation claims collections, the CWD shall include cash or coupon repayments and the value of allotments recovered or offset by the restoration of lost benefits. The value of benefits not issued as a result of a household member being disqualified, shall not be considered recovered allotments and shall not be used to offset an intentional Program violation claim.
- .83 Collections from inadvertent household error claims prior to the determination of intentional Program violation shall be handled as follows:
  - .831 Once a determination of intentional Program violation is made, the CWD may retain any amounts recovered on a claim, while such claim was handled as an inadvertent household error claim, pending a determination by an administrative disqualification hearing official or a court of appropriate jurisdiction that an intentional Program violation was committed, at the incentive rate applicable for intentional Program violation claims.
- .84 If a household has overpaid a claim, the CWD shall pay the household any amounts overpaid as soon as administratively possible but not later than 10 days after the overpayment becomes known. The household shall be paid in cash for overpayments. Overpaid amounts of a claim which have previously been reported as collections on a prior DFA-209 and which have been repaid to the household shall be reported in the appropriate column on the DFA-209 for the quarter in which the repayment occurred. The amount of the repayment shall be subtracted from the total amount collected.
- .85 Returned Coupons

The CWD shall destroy any coupons or coupon books collected from households as payment for claims in accordance with the procedures outlined in this section.

- .951 The CWD shall require the collection points to complete a FNS-135, Affidavit of Return of Food Coupons, as verification for receipt of coupons returned as payment of a claim. The original copy shall accompany the voided coupons to the destruction point, a copy shall be placed in the client's casefile, and a copy shall be submitted to the CWD claim accounting office where the DFA-209 is completed.
- .852 The CWD shall require the collection points to void, immediately upon receipt, all coupons collected as payment and either send the coupons to a coupon destruction point or hold the subject coupons in secure storage pending examination and destruction by the CWD at the claims collection point.
- .853 After verification of the FNS-135 reports from the claims collection point, the CWD shall destroy the coupons or coupon books received from the claims collection points if the value of the coupons does not exceed \$500 per claims collection point for any month. If the value of the coupons to be destroyed exceeds \$500 per claims collection point per month, the CWD shall request FNS approval prior to any destruction of the coupons at that collection point.
- .854 The CWD shall destroy the coupons and coupon books by burning, shredding, tearing, or cutting so that they are not negotiable. Two CWD officials shall witness and certify the destruction and forward the Form FNS-471, Coupon Account and Destruction Report, with the DFA-209 to SDSS. The amount of coupons destroyed each month in repayment of claims shall equal the amount reported on the DFA-209 as repayment in coupons. Coupons destroyed for reasons other than in repayment of claims must be reported on a separate FNS-471 which is attached to the FNS-250 report.
- .86 In cases where FNS has billed the State for a CWD negligence, any amounts collected from households which were caused by the CWD's negligence will be credited by FNS.

## .9 Accounting Procedures

Each CWD shall maintain an accounting system for monitoring claims against households. At a minimum, the accounting system shall be designed to readily accomplish the following:

- .91 Identify claims by categories of inadvertent household error, administrative error, and intentional Program violations.
- .92 Provide data necessary to accurately complete the Status of Claims Against Households Report DFA-209.
- .93 Document the circumstances which resulted in a claim, the procedures used to calculate the claim, the methods used to collect the claim and, if applicable, the circumstances which resulted in suspension or termination of collection action.
- .94 Identify those situations in which an amount not yet restored to a household as a restoration of lost benefits can be used to offset a claim owed by the household.
- .95 Identify those households that have failed to make installment payments on their claims.
- .96 Document how much money was collected in payment of a claim and how much was submitted to SDSS through an adjustment of the CWD's advance. See Section 63-702 on CWD liability for claim collection losses.

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: Welfare and Institutions Code Sections 18901 and 18902; 7 CFR Sections 272.1(g)(ii), 273.11, 273.18, and 273.18(g)(3)(iii).

- 1 Disqualification Penalties for Intentional Program Violation
  - 11 Individuals found to have committed an intentional Program violation either through an administrative disqualification hearing or by a court of appropriate jurisdiction shall be ineligible to participate in the Food Stamp Program as follows:
    - 111 Six months for the first violation.
    - 112 Twelve months for the second violation.
    - 113 Permanently for the third violation.
  - 12 Provisions governing administrative and court-ordered disqualifications, CWD administrative responsibilities and reporting requirements, and other related provisions are covered in SDSS' Manual of Policies and Procedures, Division 20, Chapter 20-300.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901, 18904, and 7 CFR Section 273.16(a).

•2 Participation While Awaiting a Hearing

A pending disqualification hearing shall not affect the individual's or the household's right to be certified and participate in the Food Stamp Program. Since the CWD cannot disqualify a household member for intentional Program violation until the hearing official finds that the individual has committed an intentional Program violation, the CWD shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household. However, the household's benefits shall be terminated if the certification period has expired and the household, after receiving its Notice of Expiration fails to reapply. The CWD shall also reduce or terminate the household's benefits if it has documentation which substantiates that the household is ineligible or eligible for fewer benefits (even if these facts led to the suspicion of intentional Program violation and the resulting disqualification hearing) and the household fails to request a state hearing and continuation of benefits pending the hearing.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901, 18904, and 7 CFR 273.16(a).

Amend Section 63-805.3 to read:

63-805 INTENTIONAL PROGRAM VIOLATION  
DISQUALIFICATION (Continued)

63-805

•3 Reversed Administrative Disqualifications.

In cases where the determination of intentional Program violation is reversed by a court of appropriate jurisdiction, the CWD shall reinstate the individual in the Food Stamp Program if the household is eligible. The CWD shall restore benefits that were lost as a result of the disqualification in accordance with the procedures specified in Section 63-802.6.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901, 18904, and 7 CFR 273.16(a).

Amend Sections 20-300.21, .32, and .34 to read:

20-300 INTENTIONAL PROGRAM VIOLATIONS IN THE  
FOOD STAMP PROGRAM

20-300

•1 Definition: Intentional Program Violation

For the purpose of this section, an intentional Program violation applies to the Food Stamp Program and is defined as having intentionally:

- 11 Made a false or misleading statement, or misrepresented, concealed, or withheld facts, or
- 12 Committed any act which constitutes a violation of the Food Stamp Act, the Food Stamp Program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt or possession of food stamp coupons or ATPs.

•2 County Responsibilities

•21 Investigation and Referral

The CWD's Special Investigations Unit (SIU) shall be responsible for investigating any case of alleged intentional Program violation. The SIU ~~shall~~ may confer with the local prosecuting authority in establishing criteria for prioritizing cases to be assigned for investigation and prosecution. In those cases in which it appears that clear and convincing evidence exists to substantiate the allegation of intentional Program violation, the SIU shall file a request for a complaint with the prosecuting authority as provided in Section 20-007.3.

•22 Administrative Disqualification Hearing

Those cases in which the prosecuting authority has determined (a) that facts do not warrant prosecution, or (b) those cases previously referred for prosecution and declined, shall be returned to the CWD and the CWD shall initiate referral action for an administrative disqualification hearing through the SDSS in accordance with SDSS' Manual of Policies and Procedures, Division 22.

- 23 The CWD shall not initiate an administrative disqualification hearing against an accused individual



whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of the appropriate jurisdiction, if the factual issues of the case arise out of the same or related circumstances.

•24 Notification of Disqualification Action

If the administrative disqualification hearing or the court finds that the household member committed intentional Program violation, the CWD shall mail an administrative disqualification notice, DFA 377.7A to the household member. Following an administrative hearing, the notice shall be sent prior to the disqualification action. The notice shall inform the household member of the decision, the reason for the decision, and the date the disqualification will take effect. The notice shall also advise the remaining household members of the allotment that they will receive during the disqualification period, or that they may reapply after the disqualification period ends. If the individual is no longer participating, the notice shall inform the individual that the period of disqualification will be deferred until the individual applies and is determined eligible for benefits. In addition, the CWD shall send the household a Repayment Notice (DFA 377.7B) and a Repayment Agreement (DFA 377.7C) for restitution as specified in SDSS' Manual of Policies and Procedures, Division 63, Section 63-801.43. The procedures for handling the income and resources of the disqualified member shall be in accordance with regulations in SDSS' Manual of Policies and Procedures, Division 63, Section 63-503.54.

•3 Disqualification Penalties

- 31 Individuals found to have committed an intentional Program violation either through an administrative disqualification hearing or by a court of appropriate jurisdiction shall be ineligible to participate in the Food Stamp Program as follows:
  - a. Six months for the first violation.
  - b. Twelve months for the second violation.
  - c. Permanently for the third violation.
- 32 The disqualification penalties shall apply only to individuals disqualified for acts of intentional Program violation which occurred during a certification period

after the household has been notified by the CWD of the new disqualification penalties. If the act of intentional Program violation which led to the disqualification occurred prior to April 1, 1984 or prior to the household's notification of the disqualification penalties, the individual(s) shall be disqualified in accordance with the Food Stamp Program's disqualification penalty regulations in effect at the time of the individual's offense.

- 33 One or more intentional Program violations which occurred prior to the implementation of these penalties shall be considered as only one previous disqualification when determining the penalty to impose.
- 34 The CWD shall disqualify only the individual(s) found to have committed the intentional Program violation and not the entire household.
- 35 Once a disqualification penalty has been imposed against a currently participating household member, the period of disqualification shall continue uninterrupted until completed, regardless of the eligibility of the disqualified member's household.
- 36 If the individual is not eligible for the Food Stamp Program at the time the disqualification period is to begin, the period shall be postponed until the person applies for and is determined eligible for benefits.
- 37 The disqualification of an individual for intentional Program violation in one political jurisdiction shall be valid in another.
- 38 The same act of intentional Program violation repeated over a period of time shall not be separated so that separate penalties can be imposed.
- 39 If the accused household member is found guilty of an intentional Program violation by the court, and the court fails to impose a disqualification penalty, the county shall impose a disqualification period in accordance with the penalties specified in this section, unless contrary to the court order.

#### •4 Time Frames for Imposition of Disqualification Penalties

##### •41 By Administrative Disqualification Hearing

If the hearing authority rules that the household member has committed an intentional Program violation, the CWD

shall disqualify the household member beginning with the first month following the date the household member receives the DFA 377.7A.

- 411 Five days from the date the notice is mailed shall be considered sufficient time for the written notice to have been received by the household, provided it has not been returned as undeliverable by the post office.

•42 By Court Order

If disqualification is ordered by a court of appropriate jurisdiction, but the date for initiating the disqualification period is not specified, the CWD shall initiate the disqualification within 45 days of the date the disqualification was ordered.

•5 Reporting Requirements

- 51 The CWD shall report to FNS information concerning individuals disqualified for intentional Program violation, within 30 days of the date the disqualification took effect, or would have taken effect for a currently ineligible individual whose disqualification is pending future eligibility. This information shall be reported on the Disqualified Recipient Report (FNS 524).
- 52 The CWD shall establish and maintain a food stamp disqualification file containing all information received from SDSS concerning individuals who have been disqualified in that county or in another political jurisdiction. Such information shall be made immediately available to food stamp eligibility staff for the following purposes:
  - 521 To determine eligibility of individual Food Stamp Program applicants prior to food stamp certification in cases where a welfare agency has reason to believe a household member is subject to disqualification in another jurisdiction.
  - 522 To ascertain the appropriate penalty to impose based on past disqualification in a case under consideration.
- 53 CWDs shall submit revisions to original disqualification reports in the following situations:

once again becomes eligible and the  
disqualification penalty is imposed.

- b. In cases where the disqualification is reversed by  
a court of appropriate jurisdiction.

Authority: Welfare and Institutions Code Sections 10553 and  
18404.

Reference: Welfare and Institutions Code Section 10901; 7 CFR  
Section 273.16(a), (b), (c), (e), and (f), and 7  
CFR Section 272.1(g).

- 4 Authorized Representative - An individual or organization that has been authorized by the claimant pursuant to Sections 22-010 and 22-101 to act for and represent the claimant in any and all aspects of the state hearing or administrative disqualification hearing. If the claimant has designated an authorized representative, any references to claimant shall also apply to the authorized representative unless otherwise stated. The claimant need not designate an authorized representative, and may represent him/herself at all stages of the hearing process. (Also see Sections 22-010 and 22-101.)
- 5 Chief Referee - The person designated and employed by the Director of the Department of Social Services and charged with the administration of state hearings and administrative disqualification hearings.

- 7 County or CWD - For purposes of this division, "county" or "CWD" generally refers to the county welfare department. Any references to "county" or "CWD" however, may also refer to any agency or contractor whose actions may be subject to a state hearing.
- 8 County or CWD Representative - An employee who is assigned the major responsibility for preparing and/or presenting a hearing case on behalf of the CWD. (See Section 22-023.12.)

- 13 Hearing Officer - A person designated by the Director and thereafter assigned by the Chief Referee to conduct state hearings and administrative disqualification hearings and propose decisions.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901, 18904, and 7 CFR Sections 273.16(a) and (e).

## •1 (Continued)

- 11 There is no right to a state hearing regarding a food stamp administrative disqualification, unless the issue is the CWD's method of implementing a food stamp administrative disqualification hearing decision (See Division 22, Chapter 22-200, Division 20, Chapter 20-300, and Division 63, Chapter 63-805).

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901, 18904, 7 CFR 273.16(a), and (e).

22-200 ADMINISTRATIVE DISQUALIFICATION  
HEARINGS - GENERAL

22-200

- 1 The regulations in this chapter shall apply to hearings resulting from a CWD's determination, supported by documentation, that a food stamp administrative disqualification for an intentional Program violation is appropriate and in accordance with SDSS' Manual of Policies and Procedures, Division 20, Chapter 20-300.
- 2 Administrative disqualification hearings are distinct from state hearings discussed in Chapter 22-000.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18902 and 7 CFR 273.16(e).

- 1 An administrative disqualification hearing shall be initiated when a CWD informs the Office of the Chief Referee that clear and convincing documented evidence in the CWD's possession indicates that an administrative disqualification is appropriate.
- 11 The Department shall then assume responsibility for the overall administration of the disqualification hearing process and the conduct of each hearing.
- 12 The CWD shall remain responsible for:
  - 121 Investigating the case and assisting the respondent prior to the hearing;
  - 122 Presenting the CWD's position during the hearing; and
  - 123 Complying with the hearing decision.
- 2 Definitions
  - (a) The definitions in Section 22-001 shall apply to this chapter. The following additional definitions, in alphabetical order, shall apply wherever the terms are used in this chapter:
    - (1) Administrative Disqualification Decision - Means the written decision issued by the Hearing Officer after an administrative disqualification hearing.
    - (2) Notice of Hearing - Means the notification sent to the respondent and the CWD by the Department which initiates an administrative disqualification hearing (see Section 22-202.3).
    - (3) Respondent - Means the household member(s) who the CWD has determined may be subject to administrative disqualification. To the extent the provisions of Chapter 22-000 relating to state hearings apply to administrative disqualification hearings, all references to "claimant" in such regulations shall be deemed to refer to "respondent" for purposes of the administrative disqualification hearing.
- 3 Procedures Governing State Hearings Also Applicable to Administrative Disqualification Hearings



(a) The following provisions of Chapter 22-000 shall be applicable to administrative disqualification hearings:

- (1) Section 22-002 relating to determination of time limit;
- (2) Section 22-010 relating to authorized representatives;
- (3) Section 22-023.12 relating to assignment of county representatives;
- (4) Section 22-023.2 relating to duties of county representatives prior to and at the hearing;
- (5) Section 22-025 relating to situations where the hearing is held in a county other than the responsible county;
- (6) Section 22-045.1 and .2 relating to the time and place of the hearing;
- (7) Section 22-049 relating to general rules and procedures at the hearing;
- (8) Section 22-050 relating to evidence;
- (9) Section 22-051 relating to the examination of records and issuance of subpoenas;
- (10) Section 22-052 relating to witness fees and mileage;
- (11) Section 22-053.2 relating to continuances for additional evidence;
- (12) Section 22-055 relating to disqualification of hearing officers;
- (13) Section 22-059 relating to communications after the hearing.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10950 and 18904, and 7 CFR 273.16(c) and (e).

- 1 When the CWD determines, based on clear and convincing evidence, that a household member(s) is subject to disqualification from the Food Stamp Program because of a suspected intentional Program violation and believes the household member(s) should be disqualified in accordance with Division 20, Chapter 20-300 the CWD shall:
  - 11 Notify the Chief Referee in writing; and,
  - 12 Request that an administrative disqualification hearing be scheduled.
    - 121 The notification shall set forth the charges against the respondent and contain a summary of the evidence.
- 2 Upon receipt of the notification described in Section 22-202.1, the Chief Referee shall either:
  - 21 Schedule an administrative disqualification hearing.
  - 22 Refer the notification to the Department for review.
    - 221 If the Department determines that there is insufficient evidence described to support the charges, the CWD shall be so notified.
    - 222 If the Department determines that there is sufficient evidence, it shall return the notification to the Chief Referee and the Chief Referee shall schedule an administrative disqualification hearing.
- 3 Notice of Hearing
  - 31 The Chief Referee shall provide written notice to the respondent, with a copy to the CWD at least 30 days in advance of the date of the hearing or of a consolidated hearing.
    - 311 The notice shall be mailed "Certified Mail - Return Receipt Requested" and shall contain, at a minimum:
      - (a) The date, time, and place of the hearing and a notice that the respondent is entitled to a postponement of the scheduled hearing for up to 30 days provided that the

request for postponement is made at least 10 days in advance of the date of the scheduled hearing.

- (b) The charges against the respondent.
- (c) A summary of the evidence, and how and where the evidence can be examined.
- (d) A warning that the decision will be based solely on information provided by the CWD if the respondent fails to appear at the hearing.
- (e) A warning that an individual found to have committed an intentional Program violation shall be ineligible to participate in the Food Stamp Program for six months for the first violation, 12 months for the second violation, and permanently for the third violation and a statement of which penalty the CWD believes is applicable to the respondent's case.
- (f) A listing of the respondent's rights as contained in Section 22-049.7.
- (g) A statement that the hearing does not preclude the County, State or Federal government from prosecuting the respondent for the intentional Program violation in a civil or criminal court action, or from collecting an overissuance related to the alleged intentional Program violation.
- (h) A statement that the respondent can call the CWD to get the name and phone number (if available) of someone who can give free legal advice. If free legal advice is not available, the CWD shall provide when called, the phone number of a lawyer referral service or the local bar association.
- (i) A copy of this chapter and the applicable provisions of Chapter 22-000

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR 273.16(e).

- 1 The hearing shall be conducted pursuant to the applicable provisions of Chapter 22-000.

- 11 The hearing officer shall advise the respondent that he/she may refuse to answer questions during the hearing.

- 2 Postponements

At the request of the respondent, the hearing may be postponed for a total period of up to 30 days provided that the request for postponement is made at least 10 days in advance of the date of the scheduled hearing.

- 21 The time limit for rendering a decision on the hearing may be extended for the length of time the hearing is postponed.

- 3 Cancellation of Hearing

If after a hearing has been scheduled, the CWD finds that further evidence indicates that an administrative disqualification is no longer appropriate, it shall notify the Chief Referee.

- 31 The Chief Referee shall then notify the respondent and the CWD that the administrative disqualification hearing is cancelled.

- 4 Respondent Fails to Attend Hearing

- 41 If the respondent cannot be located or fails to appear at a hearing, the hearing shall be conducted in the absence of the respondent.

- 411 The hearing officer shall review the evidence presented by the county and prepare a decision based upon that evidence.

- 42 If the respondent establishes good cause for failure to attend the hearing, a new hearing shall be scheduled.

- 421 The criteria for good cause shall be the criteria set forth in Section 22-053.14.

- 422 The respondent shall establish good cause for failure to attend the hearing no later than 10 days after receiving the hearing decision.

.423 The respondent shall establish good cause by contacting the Chief Referee by letter or by telephone.

(a) The Chief Referee shall have authority to require that the respondent submit verification of good cause.

.424 The respondent and the CWD shall be notified in writing of the good cause determination and the determination shall be placed into the hearing record.

.425 If good cause is established, the hearing decision shall have no affect on the respondent's status. Nor shall it affect the household's continuing benefit, except as provided in Section 63-805.2.

(a) Pending the rehearing decision, any benefits lost to the household as a result of the rescinded decision shall be restored in accordance with Section 63-802.1.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901 and 18902, and 7 CFR 273.16(e)(2)(iv) and 7 CFR 273.16(e)(3)(E).

- 1 After the hearing has been closed, the hearing officer shall prepare a written decision.
- 2 The decision shall include:
  - 21 A statement of facts.
  - 22 The statutes and regulations involved.
  - 23 The reasoning which supports the decision.
  - 24 Responses to arguments raised by the respondent.
- 3 Any determination of an intentional Program violation which is made in such a decision shall be based upon clear and convincing evidence.
- 4 The hearing officer's proposed decision shall be subject to the review of the Chief Referee and the Director.
  - 41 The Chief Referee or Director shall have the authority to reject the proposed decision of the hearing officer and prepare a separate decision based upon the record in the case or to order an additional hearing.
  - 42 Any such decision shall be subject to the provisions of Section 22-220.2.
- 5 A copy of the hearing decision shall be mailed to the respondent and to the CWD.
  - 51 If the decision is adverse to the respondent, the decision shall notify the respondent of the right to judicial review, and shall advise the respondent that, if the court decides the case in his/her favor, he/she shall be entitled to reasonable attorney's fees and the cost of suit.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10958 and 18904, and 7 CFR 273.16(e).

- 1 All administrative disqualification hearing decisions shall be mailed within 90 days of the date of the notice of hearing described in Section 22-202.3.
- 11 If the decision results in upholding the disqualification of the respondent, the CWD shall initiate the administrative action in accordance with SDSS\* Manual of Policies and Procedures, Division 20, Chapter 20-300.
- 12 If the hearing is postponed (see Section 22-210.2), the 90-day period shall be extended by the period of time that the case is postponed.
- 13 If a new hearing is scheduled pursuant to Section 22-210.42, a new 90-day period shall commence from the date the respondent and CWD are notified of the new hearing.
- 14 If a hearing is continued or postponed, (see Section 22-053) the respondent shall be given a written notice that explains that the time limit for rendering a decision will be extended by the same number of days as the hearing is postponed or continued.
- 15 An administrative disqualification decision is not subject to the provisions of Section 22-065.
  - 151 There is no right to a rehearing regarding a finding of intentional Program violation.
  - 152 A decision finding intentional Program violation shall inform the respondent concerning the right to judicial review.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901 and 18904, and 7 CFR 273.16(e).



22-240 CONSOLIDATION OF ADMINISTRATIVE  
DISQUALIFICATION HEARING WITH A STATE HEARING

22-240

- 1 At his/her discretion or upon the request of the respondent or the CWD, the Chief Referee shall have the authority to consolidate requests for a state hearing with an administrative disqualification hearing.
  - 11 If the factual issues arise out of the same, or related circumstances and the household receives prior notice (as required in Section 22-202.3) then the hearings will be combined. However, the respondent, upon request, shall be allowed to waive the 30-day advance notice when the hearing requests are consolidated.
  - 12 In such cases, although only one actual hearing may be held, the procedures governing the administrative disqualification hearing aspect of the case and the state hearing aspect shall be separately identified and followed.
  - 13 The hearing officer shall have the authority to:
    - 131 Sever the proceedings and hold each hearing separately.
    - 132 Postpone or continue the state hearing and not postpone or continue the administrative disqualification hearing or vice versa.
  - 14 If a state hearing case is consolidated under this section, the time limits for its disposition, shall be the same as for the administrative disqualification hearing, (see Section 22-230).
  - 15 If a state hearing case is consolidated under this section, for the purpose of settling the amount of the claim at the same time as determining whether or not an intentional Program violation has occurred, the respondent shall lose the right to a subsequent state hearing on the amount of the claim.
- 2 A pending administrative disqualification hearing shall not affect the individual's or household's right to be certified or to participate in the Food Stamp Program.
- 3 In the Food Stamp Program, when the determination of intentional Program violation is reversed by the court, the CWD shall reinstate the individual if the household is eligible in accordance with procedures in SDSS' Manual of Policies and Procedures, Division 63, Section 63-805.2.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901, 18902, and 18904, and 7 CFR Section 273.16(e).

FACE SHEET  
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1183-72

840807-2  
**FILED**

In the office of the Secretary of State  
of the State of California

AUG 3 1 1984

At 4:13 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Mejorie Herchenberger*  
Deputy Secretary of State

RECEIVED FOR FILING

AUG 7 10 04 AM '84

ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING

AUG 3 1 1984

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,  
AMENDED OR REPEALED BY:

State Department of Social Services  
(AGENCY)

BY *Linda S. Melbrahn*  
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE

5-0313/3-0883

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: *20* SECTIONS AMENDED 63-502.361(a)(1)  
SECTIONS ADOPTED  
SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance  
Other Regulatory Actions:  
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing \_\_\_\_\_

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPCC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER

March 2, 1984

b. DATE OF ADOPTION OF REGULATION(S)

August 2, 1984

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOV. CODE SEC. 11346.8(c))

NA

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.  
b. ☐ Effective on \_\_\_\_\_ as required by statutes: (list) \_\_\_\_\_  
c. ☐ Effective on \_\_\_\_\_ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)  
☐ Request Attached  
d. ☐ Effective on \_\_\_\_\_ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400  
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Sections 63-502.361(a)(1) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

•3 Income Deductions (Continued)

•36 Standard Utility Allowances (Continued)

•361 (Continued)

(a) (Continued)

- (1) Determine the number of individuals not participating in the Food Stamp Program who live with and share utility expenses with the food stamp applicant/recipient household.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR 273.9(d)(6).



FACE SHEET  
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

840824-1

RECEIVED  
AUG 21 1984  
ADDITIONAL  
ENDORSED  
APPROVED FOR FILING  
AUG 3 1 1984  
Office of Administrative Law  
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,  
AMENDED OR REPEALED BY:

DEPARTMENT OF SOCIAL SERVICES  
(AGENCY)

BY: Linda S. McShaden  
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED  
In the office of the Secretary of State  
of the State of California

AUG 3 1 1984  
At 4:13 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Marjorie Kowalsky  
Deputy Secretary of State  
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION Dan Fleek, Regulations Analyst TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED 44-207.411  
SECTIONS ADOPTED  
SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☒ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance  
Other Regulatory Actions:  
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing \_\_\_\_\_

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

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- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

N/A

b. DATE OF ADOPTION OF REGULATION(S)

August 24, 1984

c. DATES OF AVAILABILITY OF MODIFIED  
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.  
b. ☒ Effective on Filing as required by statutes: (list) Government Code Section 11346  
c. ☐ Effective on \_\_\_\_\_ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)  
☐ Request Attached  
d. ☐ Effective on \_\_\_\_\_ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

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(Attach additional sheets if necessary.)

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Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

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Part 8. Check appropriate box. This information is for statistical purposes.

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- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

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- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

## Memorandum

To : Linda Stockdale Brewer, Director  
Office of Administrative Law  
1414 K Street, Suite 600  
Sacramento, CA 95814

Date : August 20, 1984

Subject: ORD #0784-36,  
Stepparent Lump Sum  
Income

From : Department of Social Services, 744 P Street, Sacramento, CA 95814

This memo is to request that your office file the attached "emergency" regulations with the Secretary of State upon completion of the ten day review specified in Government Code Section 11349.6(b).

If I can provide any additional information or assistance, please do not hesitate to contact me at (916) 445-0313.

Thank you for your assistance with this matter.



Rosalie Clark, Chief  
Office of Regulations Development

Attachment



Amend Section 44-207.41 to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

•4 Treatment of Lump Sum Income (Continued)

•41 Definition of Lump Sum Income (Continued)

- 411 Lump sum income is any income as defined in Chapter 44-100 received by the family which is not recurring regular income. Lump sum income is usually nonrecurring in regard to amount and/or source. Lump sum income includes but is not limited to the following: retroactive social insurance payments, state and federal income tax refunds, real estate commissions such as from sales, income from free-lance work, net proceeds from sale of a crop and bonuses.

(a) When lump sum income is received by a stepparent living in the same household as the assistance unit but who is not included in the assistance unit as an applicant, recipient or essential person, the lump sum regulations (44-207.4) do not apply to that stepparent income.

(1) Income of a stepparent who is not included in the assistance unit shall be considered available to the assistance unit after applying the stepparent computation in accordance with Section 44-133.6. If the countable income, including the lump sum, exceeds the assistance unit's needs for the month, the family would be ineligible for that month (see Section 44-315.6).

(2) Any portion of the lump sum income retained by the stepparent subsequent to the month of receipt represents property (see Sections 42-203.5, 42-205.3, and 42-205.4).

~~(a)~~(b) When lump sum income is earned, apply the appropriate work-related disregards in accordance with Section 44-113.2. The resulting net nonexempt income is subject to the lump sum computation.

(b)(c) When lump sum income is not earned the appropriate deductions described in Section 44-113.3 through .12 shall apply.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11157 and Vaessen vs. Woods, 35 Cal 3d 749 (1984).